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BOOK 1:
Pages 43645-44402

BOOK 2:
Pages 44403-45074

federal register

Book 1 of 2 Books
Tuesday, October 29, 1985

Briefings on How To Use the Federal Register
For information on briefings in Atlanta, GA, and Philadelphia, PA, see announcement on the inside cover of this issue.

Selected Subjects

Administrative Practice and Procedure
Interior Department

Crop Insurance
Federal Crop Insurance Corporation

Coal Mining
Surface Mining Reclamation and Enforcement Office

Communications Common Carriers
Federal Communications Commission

Fisheries
National Oceanic and Atmospheric Administration

Flood Insurance
Federal Emergency Management Agency

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Food and Drug Administration

Government Procurement
General Services Administration

Imports
Foreign Agricultural Service

Marketing Agreements
Agricultural Marketing Service

Postal Service
Postal Service

Prescription Drugs
Drug Enforcement Administration

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Selected Subjects

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

How To Cite This Publication: Use the volume number and the page number. Example: 50 FR 12345.

Radio Broadcasting
Federal Communications Commission

Railroads
Interstate Commerce Commission

Reporting and Recordkeeping Requirements
Federal Communications Commission

Surface Mining
Surface Mining Reclamation and Enforcement Office

Telephone
Rural Electrification Administration

Television Boardcasting
Federal Communications Commission

Trade Practices
Federal Trade Commission

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ATLANTA, GA

WHEN: Nov. 21; at 1 pm.
Nov. 22; at 9 am. (identical session)

WHERE: Room LP-7,
Richard B. Russell Federal Building,
75 Spring Street, SW., Atlanta, GA.

RESERVATIONS: Deborah Hogan,
Atlanta Federal Information Center.
Before Nov. 12: 404-221-2170
On or after Nov. 12: 404-331-2170

PHILADELPHIA, PA

WHEN: Dec. 17; at 1 pm.
Dec. 18; at 9 am. (identical session)

WHERE: Room 3306/10
William J. Green, Jr., Federal Building,
600 Arch Street, Philadelphia, PA.

RESERVATIONS: Laura Lewis,
Philadelphia Federal Information Center,
215-597-1709

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Reader Aids
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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 403

[Docket No. 0033A]

Peach (Fresh) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Peach (Fresh) Crop Insurance Regulations (7 CFR Part 403), effective for the 1986 and succeeding crop years. The intended effect of this rule is to: (1) Prescribe procedures for insuring peaches on an "Actual Production History" (APH) basis by removing the Premium Adjustment Table and providing for cancellation for not furnishing records; (2) specify the weather perils insured against and add as a cause of loss the unavoidable failure of irrigation water supply; (3) limit the insured's share of an indemnity on crops transferred before harvest; (4) change the method of computing indemnities when acreage, share, or practice is underreported; (5) change the insurance period, crop year, cancellation and termination dates, and filing dates; (6) provide prices for computing indemnities based on tree value; (7) specify acreage excluded from insurance when certain designated conditions exist; (8) allow inspection of unharvested acreage at the time of damage; (9) add provisions for reporting the practice and number of bearing trees; (10) provide production guarantee coverage; (11) eliminate the Amount of Insurance Table; (12) remove the middle coverage level limitation applicable to processing peaches; (13) add a provision to provide a coverage level if the insured does not select one; (14) include "misshapen fruit" as fruit eligible for quality adjustment; (15) change the method of computing indemnity payments; (16) add definitions for "Actual price per bushel," "Average yield," "Cyclone," "Freeze," "Frost," and "Loss ratio"; (17) amend the definition of "Harvest"; and (18) add sections concerning "Determinations" and "Notices". The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: November 1, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is May 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined and certifies that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) an annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Since policy changes must be on file by October 31, 1985, good cause is shown for making this rule effective in less than 30 days.

Other than minor changes in language and format, the principal changes in the peach policy are:

1. *Section 1.*—Delete "adverse weather conditions" and specify the weather perils, in addition to, the failure of the irrigation water supply because of unavoidable cause after insurance attaches as insurable causes of loss. This change eliminates excessive moisture as a cause of loss and interrelated uninsurable losses because of insect and disease damage.

2. *Section 2.*—Add a clause to change the method of calculating the insured's share of an indemnity on crops transferred before harvest. This limits the insured's indemnity to his interest in the crop at the time of loss.

Add a provision to exclude acreage from insurance if the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established.

Add a provision to exclude acreage from insurance when the peaches are harvested by the public.

Allow insurance before the fourth growing season if the orchard has a recorded production of 100 bushels per acre or more. This change eliminates the "minimum production" requirement and the amount of insurance table.

Add a provision to exclude acreage from insurance when acreage is planted with a vine or tree crop other than peaches.

Add a provision to provide FCIC the right to inspect and determine uninsurable acreage.

Add provisions for irrigated practices and the reporting of such practices.

3. *Section 3.*—Add a provision to report the number of bearing trees. This allows tracking any changes in tree number and assures necessary adjustments to the APH yield.

4. *Section 4.*—Provide coverage in the form of production guarantees contained in the actuarial table in place of dollar amounts of insurance.

Delete the Amount of Insurance table from the policy and its related provisions. Add a provision to reduce

the production guarantee if certain stand requirements are not met.

Delete the provision to hold processing peaches to the middle coverage level. Add a provision for a coverage level if the insured does not select one.

Provide prices for computing indemnities on the actuarial table for fresh and processing peaches. These prices will be based on an "on tree" value. The minimum price election concept will be continued (SEE: Section 9.c.(3)).

5. *Section 5.*—Remove the Premium Adjustment Table. The crop will be insured on an actual production history (APH) basis. Coverages will, therefore, reflect the actual production history of the crop on the unit. Insureds with good loss experience who are now receiving a premium discount are protected since they will retain any discount under the present schedule through the 1990 crop year or until their loss experience causes them to lose the advantage, whichever is earlier.

Remove the provisions for the transfer of insurance experience and for premium computation when insurance has not been continuous. Deletion of the Premium Adjustment Table eliminates the need for these provisions.

6. *Section 7.*—Change the insurance attachment date from January 10 to December 1. This provides insurance against damage which could occur in December.

Add a provision to end the insurance period if the peaches are not harvested timely.

Add a provision to end the insurance period at loss adjustment time.

7. *Section 8.*—Add a new section to provide FCIC the right to inspect any unharvested damaged peaches which the insured chooses to no longer care for. This inspection will be more accurate because it is closer to the time of damage.

8. *Section 9.*—Change to provide a more accurate indemnity payment.

Change to allow computations on both production and fresh market peaches when grown together.

Change the method of computing the indemnity when acres are underreported. The production from all acres will be applied against the reported acres in calculating indemnities. This change will reduce the indemnities when acres are underreported and will reduce the complexity of calculations.

Change to provide that the total production to be counted for a unit will include all appraised production plus any production harvested prior to appraisal. This change emphasizes the appraisal, which in actual practice is the primary method of determining the production to count.

Add "misshapen fruit" as fruit eligible for quality adjustment.

Add the requirement that all damaged fruits be inspected by us if quality adjustments are to be made and specify the methods, for making these adjustments.

These changes are consistent with other crop policies operating under APH which state the specific methods of determining quality adjustment.

Include a provision for production destroyed without our consent. Also provide that any acreage not inspected by us prior to the completion of harvest will be considered appraised at the full guarantee. Since production to count is determined from appraisals on the tree prior to harvest, this change will allow us to make our inspections prior to completion of harvest.

Allow all "unharvested production" to count as production to count. The production guarantee is based on "on tree" production therefore any unharvested production must be considered production to count.

Change to count the appraisal on any acreage except when the "actual harvested production" exceeds the appraisal. Appraisals made prior to harvest when the fruit is still sizing can lead to understated production to count. This provision will allow FCIC to account for full production based on harvested records.

9. *Section 15.*—Add a clause to cancel the contract if production history is not furnished by the cancellation date. An exception will be allowed if the insured can show, prior to the cancellation date, that records are unavailable due to conditions beyond the insured's control. This clause is required by the change to mandatory APH.

Change the cancellation and termination dates to November 30. This change is made to more closely conform to the insurance period and crop year which begins on December 1.

10. *Section 16.*—Change the filing date for contract changes from September 30 to August 31. This change was made to coincide with the change in the cancellation and termination dates.

11. *Section 17.*—Add "Actual price per bushel" and "Average yield" definitions to clarify use of the terms in sections 4.b. and 9.c.

Redefine "Harvest" to emphasize that production determinations will be based solely on "on tree" appraisals.

Add definitions for the terms "Cyclone," "Freeze," and "Frost" to clarify their use in section 1.

Add a definition for the term "Loss ratio" to clarify its use in section 5.

12. *Sections 19. and 20.*—Add sections for "Determinations" and "Notices," respectively.

On Thursday, August 8, 1985, FCIC published a Notice of Proposed Rulemaking in the **Federal Register** at 50 FR 32073, to revise and reissue the Peach Crop Insurance Regulations (7 CFR Part 403), effective for the 1986 and succeeding crop years. The public was given 30 days in which to submit written comments on the proposed rule.

No comments were received in direct response to the proposed rule. However, on September 4–5, 1985, the Board of Directors, FCIC held informal meetings in Hearing Room B, Interstate Commerce Commission Building, Washington, DC, for the purpose of receiving comments from interested parties on the Actual Production History (APH) method of insurance and on the proposal to restrict unit division by removing unit division guidelines from policies. Those concepts were included in the proposed rule.

The APH concept of yield guarantees establishes a direct relationship between proven production capability of the individual insured producer, and the insurance guarantee or the premium rates. It requires the insured producer to submit annual records of insured production as a condition of continued insurability. The determination to eliminate applicable unit division guidelines restricts unit division to include all the insurable crop grown within a county with no allowance for further division beyond those contained in the crop insurance policies.

Comments on the proposed regulations were received from six representatives of the private insurance industry, one member of Congress, fifteen insurance agents, four representatives of special interest groups, and five farmers.

The comments generally opposed: (1) The proposed requirement that insureds furnish annual records of insured production as a condition of continued insurability under the APH program for the establishment of yield guarantees; and (2) the proposed change to the insurance unit definition which would delete the guidelines filed at county service offices.

Those in opposition to the proposed regulations generally argued that they would decrease the marketability of crop insurance by making the resulting insurance offer less attractive to potential purchasers. Many predicted a substantial level of cancellation by

current contract holders if the proposed regulations become effective.

Argument against the proposed requirement for records submission as a condition of continued insurance eligibility included: (1) Many farmers would not be willing to furnish records establishing annual production unless they have a loss and a potential indemnity; (2) an economic incentive like a reduced future yield guarantee is preferable to cancellation; and (3) the APH system as a whole is cumbersome, complex, and more difficult to administer than an area coverage plan.

Many commentators recommended that FCIC develop a plan to offer reduced insurance guarantees when a producer failed to voluntarily furnish records. Most comments supported the APH concept as a means of making an equitable insurance offer to the better producers of an area; however, many of the same group requested simplification of program procedures. Several comments recommended the establishment of a new method to reduce the impact of severe loss years upon yield guarantees for the future. A few comments recommended a return to an area coverage program as a means of retaining the participation of those whose recent production has not equaled former area coverage guarantees.

The comments received were fully considered in the course of arriving at the decision modifying the proposed rule.

The rationale for the initial adoption of the APH concept was to correct the problem of adverse selection inherent in the previous area coverage plans of insurance. Adverse selection occurs when the best insurance offer is made to the highest risk producer and the poorest insurance offer is made to the lowest risk producer. It is characterized by having insured clients with higher than average risk expectations without commensurate higher premium rates. Adverse selection results in higher than expected losses and ultimately in higher premium rates and thus, over the long term, severely limits participation levels.

Adverse selection is best addressed by establishing a direct relationship between proven production capability of individual producers and their insurance guarantee and premium rates. The APH program accomplishes this objective.

Records of production are basic to a yield protection program of insurance. There is no logical alternative to requiring records if such a program is to succeed over an extended period of time. The APH concept, linking records to guarantees, is clearly preferable to any extension of the area coverage concept under any disguise. The latter can only lead to further aggravation of adverse selection. The ultimate result is the program serving only the lowest producing farmers on the highest risk land.

The premise that farmers will choose to cancel insurance participation in preference to furnishing annual records of production after the close of harvest of marketing season is rejected. The need to have such records of production for other business purposes, including for share rent settlement purposes, for financial statements in the event of the use of borrowed funds for operations, and for the submission of income tax returns, combined with the need of such records for farm management purposes, make such records readily available for most producers. The peach program is a "guaranteed yield concept" (GYC) program which requires submission of production records. This requirement has not had an adverse effect on the program. The records are available. No legitimate reason exists for failure to support a requested yield guarantee by furnishing production records.

If the sole reason for unwillingness to submit records of production lies in the fact that such submission will result in a lower than otherwise obtainable yield guarantee for the future, then the producer is seeking to be overinsured in relation to his proven capability. While past performance is not an absolute guarantee of future yield expectations, it is the best indicator which can be measured objectively.

The FCIC would be violating its public trust if it were not to use the best system possible to establish yield guarantees which fairly reflect yield expectations. Considering the administrative changes to procedure which are to be implemented, the objections to the APH program raised in the comments have been fully and fairly considered and are regarded as an insufficient basis for reversal of previous proposed regulations.

FCIC, in response to requests from the producers and the participating insurance industry, has taken administrative action to ease the burden of keeping the required records and to address problems in program administration. These actions were taken with regard to all crops which are not under a GYC–APH principle of insurance.

For those crops with GYC–APH based yield guarantees, the action to provide more time for submission of records is not a viable consideration.

The crop programs with GYC–APH based yield guarantees, including the provisions herein contained, were excluded from the provision allowing an extended time for the submission of records provided for other crop programs because the marketing period is generally much shorter and it is easier for producers to obtain sufficient records of production in time to be used in the determination of the next succeeding crop insurance guarantee. Further, many of the GYC–APH crops are produced on perennials and the yields of such crops tend to vary by the age of planting to an extent that inclusion of the most recent year's production data is necessary to the establishment of yield guarantees which fairly reflect production expectations.

Arguments against the proposed unit division change included: (1) Separate insurance units for widely dispersed tracts of farmland, differing topography or soil types, and differing cultural or farm management practices are necessary to maintain or build participation levels; (2) spot causes of loss like hail and flood generally damage only a relatively small portion of the total planted acreage of most farms, thus the more units allowed, the greater the protection offered; (3) the proposed unit structure would result in discrimination or unfair treatment among producers; (4) the producer is entitled to an indemnity payment under the crop insurance program when he suffers a loss on a portion of his planted acreage even when overall yields are normal; and (5) expected reductions in participation would result in increased adverse selection. Many agreed that the current unit structure is less than satisfactory, but argued that FCIC should delay implementation of the proposed rule to provide time for further study and analysis of alternative approaches.

FCIC has determined to retain the present unit structure and institute further studies which are to be presented to the Board of Directors for consideration at the first meeting of the Board after February 1, 1986.

It is the objective of the FCIC to provide producers of agricultural commodities a program of insurance with an insurance unit structure which:

—Provides a disaster protection plan of insurance which meets the needs of producers at the lowest possible cost per acre.
—Minimizes the potential for fraud and abuse.
—Reduces the administrative costs of FCIC and writing companies.
—Minimizes the burden upon producers.
—Improves the actuarial soundness of the program.

—Simplifies and standardizes the unit definition for all programs.

The Board of Directors has discussed the unit definition issue on several occasions over the past three years.

The current standard insurance policy language defines "unit" as:

"Unit" means all insurable acreage of (name of crop) in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the (name of crop) on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your county service office.

As a matter of usual practice, units are often divided beyond that allowed by the policy unit definition to permit separate units by section or ASCS farm serial number. This is intended to be permitted only when verifiable records of production on such a basis exist.

The more insurance units allowed on a single contract, the higher the potential for fraud and abuse, the higher the costs of administration, and the larger the likelihood of legitimate loss.

The FCIC Board of Directors has been increasingly concerned about the high loss ratios (about 150%) experienced by the Corporation in the 1980–1984 period. It has refused to order a major premium rate increase because of its belief that normal weather and sound program design will prove the existing rates adequate over the long term. The Board has chosen a course of action to reduce adverse selection, lessen the potential for fraud and abuse, and improve the equitability of the insurance offer between options and areas of operation.

The Board believes that these actions are preferable to the alternative of major increases in premiums to producers.

The level of program participation by potential insureds is of great interest to the FCIC. The potential users of the program, the farmers of this nation, have a clear need for the protection offered. Higher levels of participation are desired because such expanded use of a crop insurance as a risk management tool can reduce the adverse economic impacts of crop failure on not only individual producers but the state and community in which they live. Crop insurance as a device to offer disaster assistance to farmers is much preferred to the alternative programs offered in the past in terms of equitability and cost to the public. Further, higher levels of participation tend to remove adverse selection which continues to be a problem of program administration.

There is an apparent need to modify the insurance unit determination practices of the past. Most of the comments received recommended delay and further study of the issues relating to insurance unit definition and that recommendation is accepted as being in the best interests of the program at this time. The management of FCIC has been directed to present the results of further study to the Board of Directors at its first meeting after February 1, 1986. Interested parties are requested to offer input or comments to the Board. Any proposal presented during the requested timeframe should not only consider the impact upon program participation but also have a positive impact upon the actuarial soundness of the programs and the costs and burden of administration.

The most significant objection raised in the comment period was the opinion that significant adverse perception of the previously proposed change would lead to large numbers of cancellations by insured producers. The FCIC determination to permit the continued use of guidelines allowing further unit division will encourage continued growth in the program without undue risk of higher than normal cancellations.

These actions respond positively to the marketing-related concerns expressed regarding the previously proposed changes to the insurance regulations. They should have minimal adverse impact upon the attractiveness of the insurance offer and thus little negative impact upon participation rates.

With the exception of minor changes in language and format, the proposed rule, amended as outlined above, is hereby adopted.

List of Subjects in 7 CFR Part 403

Crop Insurance, Peaches.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Peach (Fresh) Crop Insurance Regulations (7 CFR Part 403), effective for the 1986 and succeeding crop years, to read as follows:

PART 403—PEACH (FRESH) CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1986 and Succeeding Crop Years

Sec.

403.1 Availability of peach crop insurance.
403.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
403.3 OMB control numbers.
403.4 Creditors.
403.5 Good faith reliance on misrepresentation.
403.6 The contract.
403.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1986 and Succeeding Crop Years

§ 403.1 Availability of peach crop insurance.

Insurance shall be offered under the provisions of this subpart on peaches in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 403.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for peaches which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 403.3 OMB control numbers.

The OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

§ 403.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 403.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the peach insurance contract,

whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager is cases involving not more than $100,000.00, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the idemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this section must be submitted to the Corporation in writing.

§ 403.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the peach crop as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 403.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the peach crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1986 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a peach insurance contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1986 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Peach (Fresh) Insurance Policy for the 1986 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Peach Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Frost;
(2) Freeze;
(3) Hail
(4) Tornado;
(5) Cyclone;
(6) Drought;
(7) Wind;
(8) Lightning;
(9) Flood;
(10) Fire;
(11) Earthquake;
(12) Volcanic eruption;
(13) An insufficient number of chilling hours to effectively break the dormant period for the crop year; or
(14) If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(5).

b. We will not insure against any loss of production due to:

(1) Disease or insect infestation;
(2) The neglect, mismanagement, or wrongdoing by you, any member of your household, your tenants, or employees;
(3) The failure to follow recognized good peach farming practices;
(4) The failure or breakdown of irrigation equipment or facilities;
(5) The failure to follow good peach irrigation practices;
(6) The impoundment of water by any governmental, public or private dam or reservoir project;
(7) Split pits regardless of cause; or
(8) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be any of the types or varieties of peaches which are grown for the production of Fresh or Processing Peaches (except processing peaches in California) on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be peaches grown on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured peaches at the time insurance attaches. However, for the purpose of determining the amount of indemnity, your share will not exceed your share on the earlier of:

(1) The time of loss; or
(2) The beginning of harvest.

d. We do not insure any acreage:

(1) If the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;
(2) From which the peaches are harvested by the public;
(3) On which the trees have not reached the fourth growing season after being set out unless such acreage has produced at least 100 bushels of peaches per acre;
(4) Planted with a vine or tree crop other than peaches;
(5) Which we inspect and consider not acceptable; or
(6) Of a type or variety of peaches not established as adapted to the areas or excluded by the actuarial table.

e. If insurance is provided for an irrigated practice, you must report as irrigated only the acreage for which you have adequate facilities and water, at the time insurance attaches, to carry out a good peach irrigation practice.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, share, practice, and number of bearing trees.

You must report on our form:

a. All the acreage of peaches in the county in which you have a share;
b. The practice;

c. Your share on the date insurance attaches; and

d. The number of bearing trees.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any peaches grown in the county. This report must be submitted annually on or before January 10. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by January 10, we may elect to determine by unit the insured acreage, share, practice, and number of bearing trees or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. If the number of bearing trees (fourth growing season and older) is reduced more than 10 percent from the preceding calendar year, the production guarantee may be reduced 1 percent (through adjustment to your average yield) for each 1 percent reduction in excess of 10 percent.

c. Coverage level 2 will apply if you do not elect a coverage level.

d. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the peach policy in effect for the 1985 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1990 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;

(4) Once the loss ratio exceeds .80, no further premium reduction will apply; and

(5) Participation must be continuous.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you, or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches for each crop year on December 1 and ends at the earliest of:

a. Total destruction of the peaches;

b. The date harvest of the peaches (by variety) should have ended;

c. Harvest of the peaches;

d. Final adjustment of a loss; or

e. September 30 of the crop year.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice of:

(a) The dates of damage; and

(b) The causes of damage.

(2) You must give us written notice if during the period before harvest, the peaches on any unit are damaged and you decide not to further care for or harvest any part of them.

(3) If you are going to claim an indemnity on any unit, you must give us notice:

(a) At least 15 days before the beginning of harvest;

(b) Immediately, if damage occurs within the 15 days prior to harvest or during harvest; or

(c) By September 30, if harvest will not begin by this date.

b. You must obtain written consent from us before you destroy any of the peaches which are not to be harvested.

c. We may reject any claim for indemnity if you fail to comply with any of the requirements of this section or section 9.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the peaches on the unit;

(2) Harvest of the unit; or

(3) September 30 of the crop year.

b. We will not pay any indemnity unless you:

(1) Establish the total production of peaches on the unit at the time of harvest and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Multiplying this result by the price election;

(3) Subtracting therefrom the dollar amount obtained by multiplying the total production of peaches to be counted (see section 9f) by the larger of the price election or the actual price per bushel of peaches; and

(4) Multiplying this result by your share.

d. If a unit contains insured acreage of both fresh and processing type peaches, the dollar amounts of insurance and production to count as established in 9.c. above will be determined separately for each type and then added together to determine the total amounts for the unit.

e. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

f. The total production to be counted for a unit will include all appraised production plus any production harvested prior to appraisal.

(1) Mature peach production may be adjusted downward as a result of a loss in quality because of hail, wind and misshapen fruit. Any production which is disposed of without being inspected by us will be considered undamaged. The amount of production will be determined for:

(a) Peaches grown for fresh use by:

(i) Dividing the value per ¾-bushel carton of the damaged peaches by the price per ¾-bushel carton of U.S. Extra No. 1 two-inch peaches; and

(ii) Multiplying this result by the number of bushels of such peaches.

The applicable price per ¾-bushel carton of U.S. Extra No. 1 two-inch peaches (if not available, the next larger size for which a price is available) will be the applicable average F.O.B. shipping point price reported by the Market News Service of the United States Department of Agriculture for 7 consecutive days commencing with the day harvest of the variety begins.

(b) Peaches grown for processing by:

(i) Dividing the value per bushel of the damaged peaches by the price per bushel of undamaged peaches; and

(ii) Multipying this result by the number of bushels of such peaches.

The applicable price per bushel of undamaged peaches will be the average price for processing peaches determined for 7 consecutive days commencing with the day harvest of the variety begins.

(2) Appraised production to be counted will include:

(a) Potential production lost due to uninsured causes and failure to follow recognized peach farming practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause, destroyed by you without our consent or not inspected by us prior to the completion of harvest; and

(c) All unharvested production.

(3) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production is exceeded by the actual harvested production.

(4) We reserve the right to delay any appraisal of damage until the extent of damage can be determined.

(5) If you elect to exclude hail and fire as insured causes of loss and the peaches are damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

g. You must not abandon any acreage to us.

h. You may not sue unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

i. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however,

pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is no due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semiannually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

j. If you die, disappear, or are judicially declared incompetent, or if you are an entity other an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the persons determined to be beneficially entitled thereto.

k. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance.

For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the corp year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition of all peaches produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in cancellation of the contract prior to the crop year to which the records applied, assignment of production to units by us, or a determination that no indemnity is due. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Therefore, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. Prior to the cancellation date you must:

(1) Furnish to us, satisfactory production records for the crop year or the contract will be cancelled for the next year; or

(2) Show to our satisfaction that the records are not available because of conditions beyond your control, such as fire, flood or other natural disaster. (If this subsection (2) applies, the Field Actuarial Office may assign a yield for the year for which the records are unavailable).

d. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date both such other payment and setoff are approved.

e. The cancellation and termination dates are November 30.

f. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for 5 consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which idemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by August 31 preceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of peach crop insurance:

a. "Actual price per bushel" for:

(1) "Fresh peaches" means the average price per bushel for U.S. Extra No. 1 two-inch peaches (if not available, the next larger size for which a price is available) determined from applicable prices reported by the Market News Service of the United States Department of Agriculture for 7 consecutive days commencing with the day harvest of the variety begins less the allowable cost designated by the actuarial table; and

(2) "Processing peaches" means the average price per bushel for processor peaches determined for 7 consecutive days commencing with the day harvest of the variety begins less the allowable cost designated by the actuarial table.

b. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, uninsurable types or varieties, insurable and uninsurable acreage, and related information regarding peach insurance in the county.

c. "Average yield" means the yield established from your actual production records, which is approved by us and shown on our form.

d. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county as shown by the actuarial table.

e. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and will be designated by the calendar year in which the peaches are normally harvested.

f. "Cyclone" means only a large-scale, atmospheric wind-and-pressure system characterized by low pressure at its center and counterclockwise circular wind motion which has been named by the United States Weather Service and which has sustained winds in excess of 58 miles per hour at the nearest U.S. Weather Service reporting station to the crop damage at the time of the crop damage.

g. "Freeze" means the condition that exists when air temperatures over a widespread area remain at or below 32 degrees Fahrenheit.

h. "Frost" means the condition that exists when the air temperature around the plant falls to 32 degrees Fahrenheit or below.

i. "Harvest" means the picking of mature peaches from the trees either by hand or machine.

j. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

k. "Insured" means the person who submitted the application accepted by us.

l. "Loss ratio" means the ratio of indemnity to premium.

m. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

n. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

o. "Tenant" means a person who rents land from another person for a share of the peaches or a share of the proceeds therefrom.

p. "Unit" means all insurable acreage of peaches in the county on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the peaches on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, D.C., on September 25, 1985.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 85-25718 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Parts 404, 405, and 408

[Docket No. 2722S]

Apple Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule and Revocations.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby replaces the regulations in Parts 404 and 408 of Title 7 CFR, Eastern and Western U.S. Apple Crop Insurance Regulations, effective with the end of the 1985 crop year (November 20, 1985), with a new part for Apple Crop Insurance Regulations (7 CFR Part 405), to combine the Eastern U.S. and Western U.S. Apple Crop Insurance Regulations into one regulation to be known as the Apple Crop Insurance Regulations (7 CFR Part 405) effective for the 1986 and succeeding crop years (November 21, 1985). The intended effect of this rule is to: (1) Combine the provisions of crop insurance for applies into one regulation, effective for the 1986 and succeeding crop years; (2) offer the same insurance policy to growers in all parts of the country; (3) change to a mandatory "Actual Production History" (APH) basis by removing the Premium Adjustment Table and providing for cancellation for not furnishing records; (4) add drought and failure of irrigation water supply as insurable causes of loss; (5) establish minimum orchard insurance requirements by area; (6) require inspection of newly acquired acreage before insurance initially attaches; (7) change the method of computing indemnities when acreage, share or practice is underreported; (8) add or change the definitions of "Area A", "Area B", "Bin", "Bushel", "Freeze", 'Frost", "Loose field box", and "Loss ratio"; (9) provide a Fresh Fruit Option Amendment; (10) allow insurance to attach under certain conditions if application is accepted after November 21; and (11) define the end of the insurance period. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: November 29, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined and certifies that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This rule combines the Eastern and Western U.S. Apple crop insurance policies into a single policy for insuring apples in the United States, to be contained in 7 CFR Part 405—Apple Crop Insurance Regulations.

The Corporation's Apple Insurance regulations and policies were developed in accordance with the primary uses for the apples grown commercially in the principal production areas. The Western U.S. Apple Policy (7 CFR 404.7(d)) was developed primarily for the production of fresh fruit while the Eastern U.S. Apple Policy (7 CFR 408.7(d)) was developed primarily for growing production apples.

Eastern producers are moving into fresh fruit and have requested insurance to cover fresh fruit production in their area. Some Western apple growers are also moving into production apples and have requested insurance for that purpose in those areas, thereby further

clouding the delineation which presently exists. The Corporation recently offered a Fresh Fruit Option for Eastern apple growers which effectively transferred the Western policy to Eastern growers.

The Corporation believes that the differences which exist between the Eastern and Western growers no longer require two separate policies. The Corporation therefore has combined the two policies into one basic policy maintaining only those essential differences which concern marketing and production practices between the areas. The Fresh Fruit Option will be offered in all areas. Differences in coverage will be because of practice and not because of geographic location. Both 7 CFR Parts 404 and 408 will be effective only through the 1985 crop year. The new 7 CFR Part 405 Apple Crop Insurance Regulations will become effective for the 1986 and succeeding crop years.

Since policy changes must be on file by October 31, 1985, good cause is shown for making this rule effective in less than 30 days.

Other than minor changes in language and format, the principal changes from the Apple policies now contained in 7 CFR Part 404 and 408 are:

1. *Section 1.a.*—Add drought and the failure of irrigation water supply because of unavoidable cause as insurable causes of loss.

2. *Section 2.d.*—Revise to require minimum acreage production requirements by area to qualify for insurance. The differences in the way production is measured in areas require a different method of production measurement by area. In the West, apples are sold by the bin or box. In the East, apples are sold by the bushel. A box of apples weighs 35 pounds, a bushel of apples weighs 42 pounds in all states in the West except Colorado. In Colorado, a bushel weighs 40 pounds.

3. Section 2.e.—Add a condition for inspection before insurance attaches to acreage under a first year policy or newly acquired acreage under an existing policy. Purchased acreage will not be insurable until it is inspected by us.

4. Section 2.f.—Add a clause to require reporting irrigated practices. This clause is required since most Eastern apple orchards are not irrigated while most Western orchards are.

5. Section 5.—Remove the Premium Adjustment Table. The crop will be insured on an actual production history (APH) basis, and coverages will reflect the actual production history of the crop on the unit. Insureds with good loss experience who are now receiving a premium discount are protected since they may retain a discount under the present schedule through the 1990 crop year or until their loss experience causes them to lose the advantage, whichever is earlier.

Remove the provisions for the transfers of insurance experience and for premium computation when insurance has not been continuous. Deletion of the Premium Adjustment Table eliminates the need for these provisions.

6. Section 7.—Add a provision to allow the application for insurance after the usual start of the insurance period.

Change the date for the end of the insurance period and allow a variance for earlier standard harvesting practices.

7. Section 9.—Change the method of computing indemnities when acres are underreported. The production from all acres will be applied against the reported acres in calculating indemnities. This change will reduce the indemnities when acres are underreported and will reduce the complexity of calculations.

8. Section 15.c.—Add a clause to cancel the contract if production history is not furnished by the cancellation date. An exception will be allowed if the insured can show, prior to the cancellation date, that records are unavailable due to conditions beyond the insured's control. This clause is required by the change to mandatory APH.

9. Section 17.—Add or change definitions for the terms "Area A", "Area B", "Bin", "Bushel", "Freeze", "Frost", "Loose field Box", and "Loss ratio."

10. The Quality Provision in the Western Apple Policy for 1985 will now be available under the Fresh Fruit Option Amendment.

On Friday, August 9, 1985, FCIC published a notice of proposed rulemaking in the **Federal Register** at 50 FR 32208, proposing to replace the regulations in Parts 404 and 408 of Title 7 CFR, Eastern and Western U.S. Apple Crop Insurance Regulations, effective with the end of the 1985 crop year (November 20, 1985), with a new part for Apple Crop Insurance Regulations (7 CFR Part 405), combining the Eastern U.S. and Western U.S. Apple Crop Insurance Regulations into one regulation to be known as the Apple Crop Insurance Regulations (7 CFR Part 405) effective for the 1986 and succeeding crop years (November 21, 1985). The public was given 30 days in which to submit written comments on the proposed rule.

No comments were received in direct response to the proposed rule. However, on September 4–5, 1985, the Board of Directors, FCIC held informal meetings in Hearing Room B, Interstate Commerce Commission Building, Washington, D.C., for the purpose of receiving comments from interested parties on the Actual Production History (APH) method of insurance and on the determination to restrict unit division by removing unit division guidelines from policies. Those concepts were included in the proposed rule.

The APH concept of yield guarantees establishes a direct relationship between proven production capability of the individual insured producer, and the insurance guarantee, or the premium rates. It requires the insured producer to submit annual records of insured production as a condition of continued insurability. The determination to eliminate applicable unit division guidelines restricts unit division to include all the insurable crop grown within a county with no allowance for further division beyond those contained in the crop insurance policies.

Comments on the proposed regulations were received from six representatives of the private insurance industry, one member of Congress, fifteen insurance agents, four representatives of special interest groups, and five farmers.

The comments generally opposed: (1) The proposed requirement that insureds furnish annual records of insured production as a condition of continued insurability under the APH program for the establishment of yield guarantees; and (2) the proposed change to the insurance unit definition which would delete the guidelines filed at county service offices.

Opposition to the proposed regulations generally argued that they would decrease the marketability of crop insurance by making the resulting insurance offer less attractive to potential purchasers. Many predicted a substantial level of cancellation by current contract holders if the proposed regulation became effective.

Arguments against the proposed change included: (1) Separate insurance units for widely dispersed tracts of farmland, differing topography or soil types, and differing cultural or farm management practices are necessary to maintain or build participation levels; (2) spot causes of loss like hail and flood generally damage only a relatively small portion of the total planted acreage of most farms, thus the more units allowed, the greater the protection offered; (3) the proposed unit structure would result in discrimination or unfair treatment among producers; (4) the producer is entitled to an indemnity payment under

the crop insurance program when he suffers a loss on a portion of his planted acreage when overall yields are normal; and (5) expected reductions in participation would result in increased adverse selection. Many agreed that the current unit structure is less than satisfactory, but argued that FCIC should delay implementation of the proposed rule to provide time for further study and analysis of alternative approaches.

Argument against the proposed requirement for records submission as a condition of continued insurance eligibility included: (1) Many farmers would not be willing to furnish records establishing annual production unless they have a loss and a potential indemnity; (2) an economic incentive like a reduced future yield guarantee is preferable to cancellation; and (3) the APH system as a whole is cumbersome, complex, and more difficult to administer than an area coverage plan.

Many commentators recommended the FCIC develop a plan to offer reduced insurance guarantees when a producer failed to voluntarily furnish records. Most comments supported the APH concept as a means of making an equitable insurance offer to the better producers of an area; however, many of the same group requested simplification of program procedures. Several comments recommended the establishment of a new method to reduce the impact of severe loss years upon yield guarantees for the future. A few comments recommended a return to an area coverage program as a means of retaining the participation of those whose recent production has not equaled former area coverage guarantees.

The comments received were fully considered in the course of arriving at the decision modifying the proposed rule.

The rationale for the initial adoption of the APH concept was to correct the problem of adverse selection inherent in the previous area coverage plans of insurance. Adverse selection occurs when the best insurance offer is made to the highest risk producer and the poorest insurance offer is made to the lowest risk producer. It is characterized by having insured clients with higher than average risk expectations without commensurate higher premium rates. Adverse selection results in higher than expected losses and ultimately in higher premium rates and thus, over the long term, severely limits participation levels.

Adverse selection is best addressed by establishing a direct relationship between proven production capability of individual producers and their insurance guarantee and premium rates. The APH program accomplishes this objective.

Records of production are basic to a yield protection program of insurance. There is no logical alternative to requiring records if such a program is to succeed over an extended period of time. The APH concept, linking records to guarantees, is clearly preferable to any extension of the area coverage concept under any disguise. The latter can only lead to further aggravation of adverse selection. The ultimate result is the program serving only the lowest producing farmers on the highest risk land.

The premise that farmers will choose to cancel insurance participation in preference to furnishing annual records to production after the close of harvest or marketing season is rejected. The need to have such records of production for other business purposes, including for share rent settlement purposes, for financial statements in the event of the use of borrowed funds for operations, and for the submission of income tax returns, combined with the need of such records for farm management purposes, make such records readily available for most producers. The apple program now is a "guaranteed yield concept" (GYC) program which requires submission of production records. This requirement has not had an adverse effect on the program. The records are available. No legitimate reason exists for failure to support a requested yield guarantee by furnishing production records.

If the sole reason for unwillingness to submit records of production lies in the fact that such submission will result in a lower than otherwise obtainable yield guarantee for the future, then the producer is seeking to be overinsured in relation to his proven capability. While past performance is not an absolute guarantee of future yield expectations, it is the best indicator which can be measured objectively.

The FCIC would be violating its public trust if it were not to use the best system possible to establish yield guarantees which fairly reflect yield expectations. Considering the administrative changes to procedure which are to be implemented, the objections to the APH program raised in the comments have been fully and fairly considered and are regarded as an insufficient basis for reversal of previous proposed regulations.

FCIC, in response to requests from the producers and the participating insurance industry, has taken administrative action to ease the burden of keeping the required records and to address problems in program administration. These actions were taken with regard to all crops which are not under an GYC–APH principle of insurance.

For those crops with GYC–APH based yield guarantees, the action to provide more time for submission of records is not a viable consideration.

The crop programs with GY–APH based yield guarantees, including the provisions herein contained, were excluded from the provision allowing an extended time for the submission of records provided for other crop programs because the marketing period is generally much shorter and it is relatively easier for producers to obtain sufficient records of production in time to be used in the determination of the next succeeding crop insurance guarantee. Further, many of the GYC–APH crops are produced on perennials and the yields of such crops tend to vary by the age of planting to an extent that inclusion of the most recent year's production data is necessary to the establishment of yield guarantees which fairly reflect production expectations.

FCIC has determined to retain the present unit structure and institute further studies which are to be presented to the Board of Directors for consideration at the first meeting of the Board after February 1, 1986.

It is the objective of the FCIC to provide producers of agricultural commodities a program of insurance with an insurance unit structure which:

—Provides a disaster protection plan of insurance which meets the needs of producers at the lowest possible cost per acre.
—Minimizes the potential for fraud and abuse.
—Reduces the administrative costs of FCIC and writing companies.
—Minimizes the burden upon producers.
—Improves the actuarial soundness of the program.
—Simplifies and standardizes the unit definition for all programs.

The Board of Directors has discussed the unit definition issue on several occasions over the past three years.

The current insurance policy language is typical of the unit definition in most other policies:

"Unit" means all insurable acreage of (name of crop) in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the (name of crop) on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be

divided according to applicable guidelines on file in your county service office.

As a matter of usual practice, units are often divided beyond that allowed by the policy unit definition to permit separate units by section or ASCS farm serial number. This is intended to be permitted only when verifiable records of production on such a basis exist.

The more insurance units allowed on a single contract, the higher the potential for fraud and abuse, the higher the costs of administration, and the larger the likelihood of legitimate loss.

The FCIC Board of Directors has been increasingly concerned about the high loss ratios (about 150%) experienced by the Corporation in the 1980–1984 period. It has refused to order a major premium rate increase because of its belief that normal weather and sound program design will prove the existing rates adequate over the long term. The Board has chosen a course of action to reduce adverse selection, lessen the potential for fraud and abuse, and improve the equitability of the insurance offer between options and areas of operation.

The Board believes that these actions are preferable to the alternative of major increases in premiums to producers.

The level of program participation by potential insureds is of great interest to the FCIC. The potential users of the program, the farmers of this nation, have a clear need for the protection offered. Higher levels of participation are desired because such expanded use of a crop insurance as a risk management tool can reduce the adverse economic impacts of crop failure on not only individual producers but the state and community in which they live. Crop insurance as a device to offer disaster assistance to farmers is much preferred to the alternative programs offered in the past in terms of equitability and cost to the public. Further, higher levels of participation tend to remove adverse selection which continues to be a problem of program administration.

There is an apparent need to modify the insurance unit determination practices of the past. Most of the comments received recommended delay and further study of the issues relating to insurance unit definition and that recommendation is accepted as being in the best interests of the program at this time. The management of FCIC has been directed to present the results of further study to the Board of Directors at its first meeting after February 1, 1986. Interested parties are requested to offer input or comments to the Board. Any proposal presented during the requested timeframe should not only consider the impact upon program participation but also have a positive impact upon the actuarial soundness of the programs and the costs and burden of administration.

The most significant objection raised in the comment period was the opinion that significant adverse perception of the previously proposed change would lead to large numbers of cancellations by insured producers. The FCIC determination to permit the continued use of guidelines allowing further unit division will encourage continued growth in the program without undue risk of higher than normal cancellations.

These actions respond positively to the marketing-related concerns expressed regarding the previously proposed changes to the insurance regulations. They should have minimal adverse impact upon the attractiveness of the insurance offer and thus little negative impact upon participation rates.

Therefore, the proposed rule, amended as outlined above, is hereby adopted as a final rule.

List of Subjects in 7 CFR Parts 404, 405, and 408

Crop insurance, Western U.S. Apples, Apples, Eastern U.S. Apples.

Final Rule

(a) Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501, *et seq.*), the Federal Crop Insurance Corporation hereby amends the Subpart headings to the Eastern U.S. Apple Crop (7 CFR Part 404) and Western U.S. Apple Crop (7 CFR Part 408) Regulations, effective through the 1985 crop year as follows:

PART 404—EASTERN U.S. APPLE CROP INSURANCE REGULATIONS

1. The Authority citation for 7 CFR Part 404 continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. The Subpart heading in 7 CFR Part 404 is revised to read as follows:

Subpart—Regulations for the 1984 and 1985 Crop Years

PART 408—WESTERN U.S. APPLE CROP INSURANCE REGULATIONS

3. The Authority citation for 7 CFR Part 408 continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

4.a. The Subpart heading in 7 CFR Part 408 is revised to read as follows:

Subpart—Regulations for the 1984 and 1985 Crop Years

b. Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501, *et seq.*), the Federal Crop Insurance Corporation hereby adds a new Part 405 to Chapter IV of Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 405 Apple Crop Insurance Regulations, effective for the 1986 and succeeding crop years, to read as follows:

PART 405—APPLE CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1986 and Succeeding Crop Years

Sec.

405.1 Availability of apple crop insurance.
405.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
405.3 OMB control numbers.
405.4 Creditors.
405.5 Good faith reliance on misrepresentation.
405.6 The contract.
405.7 The application and policy.
405.8 Apple Fresh Fruit Option Amendment.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1986 and Succeeding Crop Years

§ 405.1 Availability of apple crop insurance.

Insurance shall be offered under the provisions of this subpart on apples in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 405.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for apples which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 405.3 OMB control numbers.

The OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

§405.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 405.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the apple insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take their erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Application for relief under this section must be submitted to the Corporation in writing.

§ 405.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the apple crop as provided in the policy. The contract shall consist of the application, the policy, the Fresh Fruit Option, if applicable, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 405.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the apple crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1986 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of an apple contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1986 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Apple Insurance Policy for the 1986 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Apple Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Drought;
(2) Freeze;
(3) Frost;
(4) Wind;
(5) Hail;
(6) Fire;
(7) Earthquake;
(8) Volcanic eruption;
(9) Fruit-set failure; or
(10) If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches.

unless those causes are expected, excluded, or limited by the actuarial table or section 9e(4).

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants, or employees;

(2) The failure to follow recognized good apple management practices;

(3) The failure or breakdown or irrigation equipment or facilities;

(4) The failure to follow good apple irrigation practices;

(5) The impoundment of water by any governmental, public or private dam or reservoir project; or

(6) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be a variety of apples established as adopted to the area, which is located on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be apples located on insurable acreage as designated by the actuarial table and in which you have a share, as reported by your or as determined by us, whichever we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured apples at the time insurance attaches.

d. We do not insure any acreage:

(1) Which in area A has not produced a minimum of 10 bins per acre;

(2) Which in area B has not produced a minimum of 150 bushels per acre;

(3) Which in Colorado, has not produced a minimum of 200 bushels per acre;

(4) Unless we agree, in writing, to insure such acreage;

(5) Which we inspect and consider not acceptable;

(6) The crop year the application is filed until the acreage has been inspected and accepted by us; or

(7) Acquired for the crop year until inspected and accepted by us.

e. If insurance is provided for an irrigated practice you must report as irrigated only the acreage for which you have adequate facilities and water, at the time insurance attaches, to carry out a good apple irrigation practice.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the time insurance attaches.

3. Report of acreage, share, and number of trees.

You must report on our form:

a. All the acreage of apples in the county in which you have a share;

b. Your share at the time insurance attaches; and

c. The number of bearing trees.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any apples located in the county.

This report will be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and number of trees or we may deny liablity on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable when insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share when insurance attaches.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the Eastern or Western apple policy in effect for the 1985 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1990 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;

(4) Once the loss ratio exceeds .80, no further premium reduction will apply; and

(5) Participation must be continuous.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches for each crop year on November 21 except that for the first crop year, if we accept your application for apple insurance after November 21, insurance will attach on the thirtieth day after you submit a properly completed application. Insurance ends at the earliest of:

a. Total destruction of the apples;

b. Harvest of the unit;

c. Final adjustment of a loss; or

d. The earlier of:

(1) The end of the normal harvest period by variety for the crop year; or

(2) November 5 of the crop year.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us notice of the date and cause of damage within 10 days of such damage.

(2) You must given us notice of probable loss at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined or damage occurs during harvest, immediate notice must be given.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 10 days after the earliest of:

(i) Total destruction of the apples on the unit;

(ii) Harvest of the unit; or

(iii) The calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the apples which are not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the apples on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of apples on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of apples to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported, but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

e. The total production to be counted for a unit will include all harvested and appraised production determined to be marketable.

(1) Appraised production to be counted will include:

(i) Unharvested marketable production, and potential production lost due to uninsured causes and failure to follow recognized good apple management practices; and

(ii) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause, or destroyed by you without our consent.

(2) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production is:

(a) Not harvested before the harvest of apples becomes general in the county and reappraised by us;

(b) Further damaged by an insured cause and reappraised by us; or

(c) Harvested.

(3) The amount of production of any unharvested apples may be determined on the basis of field appraisals conducted after the end of the insurance period.

(4) If you elect to exclude hail and fire as insured causes of loss and the apples are damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

f. You must not abandon any acreage to us.

g. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

h. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity.

The interest rate will be that established by the Secretary of the Treasury under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** on or about January 1 and July 1 of each year.

The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person determined to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance.

For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all apples produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in cancellation of the contract prior to the crop year to which the records apply, assignment of production to units by us, or a determination that no indemnity is due. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. Prior to the cancellation date you must:

(1) Furnish to the Corporation satisfactory production records for the crop year or the contract will be cancelled for the next crop year; or

(2) Show to our satisfaction that the records are not available because of conditions beyond your control, such as fire, flood or other natural disaster (If this subsection (2) applies, the Field Actuarial Office may assign a yield for the year for which the records are unavailable).

d. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date both such other payment and setoff are approved.

e. The cancellation and termination dates are November 20.

f. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for 5 consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by August 31 preceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of apple crop insurance:

a. "Area A" includes Montana, Wyoming, Utah, New Mexico, and all states west thereof.

b. "Area B" includes all other states except Colorado.

c. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding apple insurance in the county.

d. "Bin" means a standard container, accepted by the industry: (1) Containing a minimum of 875 pounds of apples; or (2) As designated by the actuarial table.

e. "Bushel" means a standard container, containing 42 pounds of apples (40 pounds in Colorado).

f. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way will also be considered contiguous.

g. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county as shown by the actuarial table.

h. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and shall be designated by the calendar year in which the apples are normally harvested.

i. "Freeze" means the condition that exists when air temperatures over a widespread area remain at or below 32 degrees (Fahrenheit).

j. "Frost" means the condition that exists when the air temperature around the plant falls to 32 degrees (Fahrenheit) or below.

k. "Fruit-set failure" means failure of the apple trees to develop blossoms or set fruit due only to adverse weather conditions, but shall not include poor pollination resulting from inadequate pollenizers in the orchard or failure to set fruit due to spray damage or other manageable causes.

l. "Harvest" means the picking of marketable apples from the trees or from the ground.

m. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

n. "Insured" means the person who submitted the application accepted by us.

o. "Loose field box" means a standard container containing: (1) 35 pounds of apples; or (2) A quantity designated by the actuarial table.

p. "Loss ratio" means the ratio of indemnity to premium.

q. "Marketable" means apples which grade U.S. No. 1, 2, or Cider in accordance with the United States Standards for Apples for Processing.

r. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

s. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

t. "Tenant" means a person who rents land from another person for a share of the apples or a share of the proceeds therefrom.

u. "Unit" means all insurable acreage of apples in the county located on contiguous land, on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the apples on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

§ 405.8 Apple Fresh Fruit Option Amendment.

(a) Notwithstanding the provisions of § 405.7(d), section 9.e. of this part, an insured producer may, upon submission and approval of a Fresh Fruit Option Amendment (Amendment) elect to insure any insurable acreage or any designated portion thereof, under the provisions of the Amendment. Only apple acreage which is managed with the intent of producing fresh-market apples will be insurable under the Amendment. If management practices are carried out for the production of both fresh and processing apples on insurable acreage, and the election is made to: (1) Insure fresh market apples under the Amendment and; (2) insure those insurers intended for processing under the Apple policy; the election to insure on both a fresh and processing basis must be made when the Amendment is submitted. The Amendment is continuous until cancelled and may only be cancelled prior to the cancellation date.

(b) For those insureds who elect to insure apples under the Amendment, all provisions of the Apple crop insurance policy will apply except those provisions in conflict with the Amendment.

(c) The Amendment reads as follows:

U.S. DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Fresh Fruit Option Amendment

This is a continuous amendment (see section 15 of the basic policy))

Insured's Name _____

Contract No. _____

Address _____

Crop year _____

Identification No. _____

SSN _____

Tax _____

It is hereby agreed to amend the basic Federal Crop Insurance Apple Policy (basic policy) under the following terms and conditions:

1. This Amendment must be submitted to us on or before the final date for accepting applications for the initial crop year in which you wish to insure your apples under this Amendment.

2. You must have a basic policy in force.

3. You must insure all the acreage of apples in the county in which you have a share regardless of the intended use (fresh-market or processing).

4. In addition to section 8 of the policy, grading of the fruit must be done by us prior to harvest or no quality adjustment will be made.

5. Separate line entries according to intended use (fresh-market or processing) must be included on the acreage report required under section 3 of the basic policy.

6. Your apples intended for processing will be insured under the quality provisions of Option A only.

7. Your apples intended for fresh-market will be insured under the quality provisions of either Option A or Option B, whichever you select.

8. If you select Option A only, Option A will apply to all of your apples intended for processing and fresh-market.

9. If you select Option B (or both options), Option B will apply to all of your apples intended for fresh-market and Option A will apply to all of your apples intended for processing.

10. You must select either Option A or Option B.

Option A

In addition to Section 9.e. and in lieu of 17.q. of the basic policy, your production to count for any acreage designated for processing or fresh-market will be adjusted when your apples are damaged by hail to the extent that such apples will not grade U.S. No. 1 (processor grade). The adjustment factor (not to exceed 1) will be the ratio of the average market price (received by you or determined by us, whichever is larger), for your damaged production to the average market price for U.S. No. 1 (processor grade) apples.

There will be no adjustment for quality if the apples do not grade U.S. No. 1 because of size, color or russeting.

Option B

a. In lieu of sections 9.e.(1), 9.e.(2), 17.1, and 17.q. of the basic policy, the total production to be counted for a unit must include all harvested and appraised production. Harvested apple production which, due to hail damage, does not grade 80 percent U.S. Fancy or better, in accordance with applicable USDA Standards, will be adjusted as follows:

(1) Production with 21 through 40 percent not grading U.S. Fancy or better due to hail damage will be reduced 2 percent for each percent in excess of 20 percent. The difference between the reduced production and the total production will be considered cull production.

(2) Production with 41 through 50 percent not grading U.S. Fancy or better due to hail damage will be reduced 40 percent plus an additional 3 percent for each percent in excess of 40 percent. The difference between the reduced production and the total production will be considered cull production.

(3) Production with 51 through 64 percent not grading U.S. Fancy or better due to hail damage will be reduced 70 percent plus an additional 2 percent for each percent in excess of 50 percent. The difference between the reduced production and the total production will be considered cull production.

(4) Production with 65 percent or more not grading U.S. Fancy or better due to hail damage will be considered 100 percent cull production.

b. Apples which are knocked to the ground by wind or frozen to the extent that they can be harvested but not packed or marketed as fresh apples will be considered 100% cull production.

c. 30 percent of all cull production, will be counted as production. No reduction in grade will be applied to any apple grading less than U.S. Fancy due solely to shape, russeting or color.

d. Appraised production to be counted must include:

(1) Potential production lost due to uninsured causes and failure to follow recognized good apple management practices; and

(2) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause, or destroyed without our consent.

e. Any appraisal we have made on insured acreage will be considered production to count unless such appraised production:

(1) Is harvested;

(2) Is further damaged by an insured cause and reappraised by us; or

(3) In whole or part, consists of (i) apples knocked to the ground by wind or hail; or, (ii) frozen while on the tree to the extent that harvest is not practical.

11. Your premium rate for apples under the option elected by you will be established by the actuarial table.

12. All provisions of the basic policy not in conflict with this amendment are applicable.

13. All determinations under this amendment will be made by us.

14. This amendment may be cancelled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date provided by the policy, preceding such crop year.

Insured's Signature _____
Date _____
Corporation Representative's Signature and Code Number _____
Date _____

Collection of Information and Data (Privacy Act)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552(a)):

The authority for requesting the information to be supplied on this form is the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and the regulations for insuring apples under the Apple Crop Insurance Regulations (7 CFR Part 405). The information requested is necessary for the Federal Crop Insurance Corporation (FCIC) to process the option to insure apples, determine the correct premium and indemnity, and, to determine the correct parties to the insurance contract. The information may be furnished to FCIC contract agencies and contract loss adjusters, reinsured companies, other U.S. Department of Agriculture agencies, Internal Revenue Service, Department of Justice, other State and Federal law enforcement agencies, a court, in response to its orders of an administrative tribunal, or opposing counsel as evidence in the course of litigation.

Furnishing the Social Security Number is voluntary and no adverse action will result from failure to do so. Furnishing the information, other than the Social Security Number, is also voluntary; however, failure to furnish the correct, complete information requested other than the Social Security Number may result in rejection of the option for insuring apples and subsequent denial of any claim for indemnity which may be filed under such option or may substantially delay acceptance of the option for insuring apples and any subsequent claim for indemnity.

Done in Washington, D.C., on September 24, 1985.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 85-25719 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 409

[Docket No. 0035A]

Arizona-California Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Arizona-California Citrus Crop Insurance Regulations (7 CFR Part 409), effective for the 1987 and succeeding crop years. The intended effect of this rule is to: (1) add as a cause of loss the unavoidable failure of irrigation water supply; (2) prescribe procedures for insuring Arizona-California citrus on an "Actual Production History" (APH) basis by removing the Premium Adjustment Table and providing for cancellation for not furnishing records; (3) add provisions for acreage in which there are no acceptable production records; (4) change the method of computing indemnities when acreage, share, or practice is underreported; and (5) add a definition of "Loss ratio". The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: November 1, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined and certifies that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Since policy changes must be on file by October 31, 1985, good cause is shown for making this rule effective in less than 30 days.

Other than minor changes in language and format, the principal changes in the Arizona-California Citrus policy are:

1. Section 1.—Add the failure of irrigation water supply due to unavoidable cause as an insurable cause of loss.

2. Section 2.—Require inspection and an agreement in writing to insure a unit with no production records.

3. Section 5.—Remove the Premium Adjustment Table. The crop will be insured on an actual production history (APH) basis. Coverages will therefore reflect the actual production history of the crop on the unit. Insureds with good loss experience who are now receiving a premium discount are protected since they will retain any discount under the present schedule through the 1991 crop year or until their loss experience causes them to lose the advantage, whichever is earlier.

Remove the provisions for the transfer of insurance experience and for premium computation when participation has not been continuous. Deletion of the premium adjustment table eliminates the need for these provisions.

4. Section 9.—When acres are underreported, the production from all acres will be applied against the reported acres in calculating indemnities. This change will reduce the indemnities when acres are underreported and the complexity of calculations.

5. Section 15.—Add a clause to cancel the contract if production history is not furnished by the cancellation date. An exception will be allowed if the insured can show, prior to the cancellation date, that records are unavailable due to conditions beyond the insured's control. This clause is required by the change to mandatory APH.

6. Section 17.—Add a definition for "Loss ratio" to clarify its use in Section 5.

On Friday, August 9, 1985, FCIC published a Notice of Proposed Rulemaking in the **Federal Register** at 50 FR 32214, to revise and reissue the Arizona-California Citrus Crop Insurance Regulations (7 CFR Part 409), effective for the 1987 and succeeding crop years. The public was given 30 days in which to submit written comments on the proposed rule.

No comments were received in direct response to the proposed rule. However,

on September 4–5, 1985, the Board of Directors, FCIC held informal meetings in Hearing Room B, Interstate Commerce Commission Building, Washington, DC., for the purpose of receiving comments from interested parties on the Actual Production History (APH) method of insurance and on the proposal to restrict unit division by removing unit division guidelines from policies. Those concepts were included in the proposed rule.

The APH concept of yield guarantees establishes a direct relationship between proven production capability of the individual insured producer, and the insurance guarantee or the premium rates. It requires the insured producer to submit annual records of insured production as a condition of continued insurability. The proposal to eliminate applicable unit division guidelines restricts unit division to include all the insurable crop grown within a county with no allowance for further division beyond those contained in the crop insurance policies.

Comments on the proposed regulations were received from six representatives of the private insurance industry, one Member of Congress, fifteen insurance agents, four representatives of special interest groups, and five farmers.

The comments generally opposed: (1) The proposed requirement that insureds furnish annual records of insured production as a condition of continued insurability under the APH program for the establishment of yield guarantees; and (2) the proposed change to the insurance unit definition which would delete the guidelines filed at county service offices.

Those in opposition to the proposed regulations generally argued that they would decrease the marketability of crop insurance by making the resulting insurance offer less attractive to potential purchasers. Many predicted a substantial level of cancellation by current contract holders if the proposed regulations became effective.

Argument against the proposed requirement for records submission as a condition of continued insurance eligibility included: (1) Many farmers would not be willing to furnish records establishing annual production unless they have a loss and a potential indemnity; (2) an economic incentive like a reduced future yield guarantee is preferable to cancellation; and (3) the APH system as a whole is cumbersome, complex, and more difficult to administer than an area coverage plan.

Many commentators recommended that FCIC develop a plan to offer reduced insurance guarantees when a producer failed to voluntarily furnish records. Most comments supported the APH concept as a means of making an equitable insurance offer to the better producers of an area; however, many of the same group requested simplification of program procedures. Several comments recommended the establishment of a new method to reduce the impact of severe loss years upon yield guarantees for the future. A few comments recommended a return to an area coverage program as a means of retaining the participation of those whose recent production has not equaled former area coverage guarantees.

The comments received were fully considered in the course of arriving at the decision modifying the proposed rule.

The rationale for the initial adoption of the APH concept was to correct the problem of adverse selection inherent in the previous area coverage plans of insurance. Adverse selection occurs when the best insurance offer is made to the highest risk producer and the poorest insurance offer is made to the lowest risk producer. It is characterized by having insured clients with higher than average risk expectations without commensurate higher premium rates. Adverse selection results in higher than expected losses and ultimately in higher premium rates and thus, over the long term, severely limits participation levels.

Adverse selection is best addressed by establishing a direct relationship between proven production capability of individual producers and their insurance guarantee and premium rates. The APH program accomplishes this objective.

Records of production are basic to a yield protection program of insurance. There is no logical alternative to requesting records if such a program is to succeed over an extended period of time. The APH concept, linking records to guarantees, is clearly preferable to any extension of the area coverage concept under any disguise. The latter can only lead to further aggravation of adverse selection. The ultimate result is the program serving only the lowest producing farmers on the highest risk land.

The premise that farmers will choose to cancel insurance participation in preference to furnishing annual records of production after the close of harvest or marketing season is rejected. The need to have such records of production for other business purposes, including for share rent settlement purposes, for financial statements in the event of the use of borrowed funds for operations, and for the submission of income tax returns, combined with the need of such records for farm management purposes, make such records readily available for most producers. The Arizona-California citrus program is a "guaranteed yield concept" (GYC) program which requires submission of production records. This requirement has not had an adverse effect on the program. The records are available. No legitimate reason for failure to support a requested yield guarantee by furnishing production records.

If the sole reason for unwillingness to submit records of production lies in the fact that such submission will result in a lower than otherwise obtainable yield guarantee for the future, then the producer is seeking to be overinsured in relation to his proven capability. While past performance is not an absolute guarantee of future yield expectations, it is the best indicator which can be measured objectively.

The FCIC would be violating its public trust if it were not to use the best system possible to establish yield guarantees which fairly reflect yield expectations. Considering the administrative changes to procedure which are to be implemented, the objection to the APH program raised in the comments have been fully and fairly considered and are regarded as an insufficient basis for reversal of previous proposed regulations.

FCIC, in response to requests from the producers and the participating insurance industry, has taken administrative action to ease the burden of keeping the required records and to address problems in program administration. These actions were taken with regard to all crops which are not under an GYC–APH principle of insurance.

For those crops with GYC–APH based yield guarantees, the action to provide more time for submission of records is a not a viable consideration.

The crop programs with GYC–APH based yield guarantees, including the provisions herein contained, were excluded from the provision allowing an extended time for the submission of records provided for other crop programs because the marketing period is generally much shorter and it is easier for producers to obtain sufficient records of production in time to be used in the determination of the next succeeding crop insurance guarantee. Further, many of the GYC–APH crops are produced on perennials and the yields of such crops tend to vary by the age of planting to an extent that inclusion of the most recent year's production data is necessary to the

establishment of yield guarantees which fairly reflect production expectations.

Arguments against the proposed unit division change included: (1) Separate insurance units for widely dispersed tracts of farmland, differing topography or soil types, and differing cultural or farm management practices are necessary to maintain or build participation levels; (2) spot causes of loss like hail and flood generally damage only a relatively small portion of the total planted acreage of most farms, thus the more units allowed, the greater the protection offered; (3) the proposed unit structure would result in discrimination or unfair treatment among producers; (4) the producer is entitled to an indemnity payment under the crop insurance program when he suffers a loss on a portion of his planted acreage even when overall yields are normal; and (5) expected reductions in participation would result in increased adverse selection. Many agreed that the current unit structure is less than satisfactory, but agrued that FCIC should delay implementation of the proposed rule to provide time for further study and analysis of alternative approaches.

FCIC has determined to retain the present unit structure and institute further studies which are to be presented to the Board of Directors for consideration at the first meeting of the Board after February 1, 1986.

It is the objective of the FCIC to provide producers of agricultural commodities a program of insurance with an insurance unit structure which:

—Provides a disaster protection plan of insurance which meets the needs of producers at the lowest possible cost per acre.
—Minimizes the potential for fraud and abuse.
—Reduces the administrative costs of FCIC and writing companies.
—Minimizes the burden upon producers.
—Improves the actuarial soundness of the program.
—Simplifies and standardizes the unit definition for all programs.

The Board of Directors has discussed the unit definition issue on several occasions over the past three years.

The current standard insurance policy language defines "unit" as:

"Unit" means all insurable acreage of (name of crop) in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the (name of crop) on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your county service office.

As a matter of usual practice, units are often divided beyond that allowed by the policy unit definition to permit separate units by section or ASCS farm serial number. This is intended to be permitted only when verifiable records of production on such a basis exist.

The more insurance units allowed on a single contract, the higher the potential for fraud and abuse, the higher the costs of administration, and the larger the likelihood of legitimate loss.

The FCIC Board of Directors has been increasingly concerned about the high loss ratios (about 150%) experienced by the Corporation in the 1980–1984 period. It has refused to order a major premium rate increase because of its belief that normal weather and sound program design will prove the existing rates adequate over the long term. The Board has chosen a course of action to reduce adverse selection, lessen the potential for fraud and abuse, and improve the equitability of the insurance offer between options and areas of operation.

The Board believes that these actions are preferable to the alternative of major increases in premiums to producers.

The level of program participation by potential insureds is of great interest to the FCIC. The potential users of the program, the farmers of this nation, have a clear need for the protection offered. Higher levels of participation are desired because such expanded use of a crop insurance as a risk management tool can reduce the adverse economic impacts of crop failure on not only individual producers but the state and community in which they live. Crop insurance as a device to offer disaster assistance to farmers is much preferred to the alternative programs offered in the past in terms of equitability and cost to the public. Further, higher levels of participation tend to remove adverse selection which continues to be a problem of program administration.

There is an apparent need to modify the insurance unit determination practices of the past. Most of the comments received recommended delay and further study of the issues relating to insurance unit definition and that recommendation is accepted as being in the best interests of the program at this time. The management of FCIC has been directed to present the results of further study to the Board of Directors at its first meeting after Febraury 1, 1986. Interested parties are requested to offer input or comments to the Board. Any proposal presented during the requested timeframe should not only consider the impact upon program participation but also have a positive impact upon the actuarial soundness of the programs and the costs and burden of administration.

The most significant objection raised in the comment period was the opinion that significant adverse perception of the previously proposed change would lead to large numbers of cancellations by insured producers. The FCIC determination to permit the continued use of guidelines allowing further unit division will encourage continued growth in the program without undue risk of higher than normal cancellations.

These actions respond positively to the marketing-related concerns expressed regarding the previously proposed changes to the insurance regulations. They should have minimal adverse impact upon the attractiveness of the insurance offer and thus little negative impact upon participation rates.

With the exception of minor changes in language and format, the proposed rule, amended as outlined above, is hereby adopted.

List of Subjects in 7 CFR Part 409

Crop insurance, Arizona-California citrus.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Arizona-California Citrus Crop Insurance Regulations (7 CFR Part 409), effective for the 1987 and succeeding crop years, to read as follows:

PART 409—ARIZONA-CALIFORNIA CITRUS INSURANCE REGULATIONS

Subpart—Regulations for the 1987 and Succeeding Crop Years

Sec.

409.1 Availability of Arizona-California Citrus crop insurance.
409.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
409.3 OMB control numbers.
409.4 Creditors.
409.5 Good faith reliance on misrepresentation.
409.6 The contract.
409.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1987 and Succeeding Crop Years

§ 409.1 Availability of Arizona-California Citrus crop insurance.

Insurance shall be offered under the provisions of this subpart on citrus in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 409.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for Arizona-California citrus which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect an amount of insurance per acre from among those amounts shown on the actuarial table for the crop year.

§ 409.3 OMB control numbers.

The OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

§ 409.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 409.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the Arizona-California Citrus insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00 finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this sectio must be submitted to the Corporation in writing.

§ 409.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the citrus crop as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 409.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the citrus crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1987 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a citrus insurance contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1987 and succeeding crop years is found at Subpart D of Part 400-General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Arizona-California Citrus Insurance Policy for the 1987 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Arizona—California Citrus Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Wildlife;

(4) Earthquake;

(5) Volcanic eruption;

(6) Failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches; or

(7) Direct Mediterranean Fruit Fly damage;

unless those causes are expected, excluded, or limited by the actuarial table or section 9f(7).

b. We will not insure against any loss of production due to:

(1) Fire, where weeds and other forms of undergrowth have not been controlled or tree pruning debris has not been removed from the grove;

(2) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants, or employees;

(3) The failure to follow recognized good citrus grove practices;

(4) The failure or breakdown of irrigation equipment or facilities;

(5) The failure to follow good citrus irrigation practices;

(6) The impoundment of water by any governmental, public, or private dam or reservoir project; or

(7) Any cause not specified in section 1a as an insured loss;

2. Crop, acreage, and share insured.

a. The crop insured will be any of the following citrus types, which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table, which you elect:

Type I—Navel oranges;

Type II—Sweet oranges;
Type III—Valencia oranges;
Type IV—Grapefruit;
Type V—Lemons;
Type VI—Kinnow mandarins;
Type VII—Minneola tangelos; or
Type VIII—Orlando tangelos;

b. The acreage insured for each crop year will be that acreage of citrus located on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured citrus on the date insurance attaches.

d. We do not insure any acreage:

(1) Which is not irrigated;

(2) On which the trees have not reached the sixth growing season after being set out; and

(3) Which does not have acceptable records of production, unless inspected by us and considered acceptable and we agree, in writing, to insure such acreage.

e. Insurance will not attach or be considered to have attached to any acreage of the crop, for the crop year the application is filed until the acreage has been inspected and accepted by us.

f. Insurance may attach only by written agreement with us on any acreage with less than 90 percent of a stand, based on the original planting pattern.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, share, number of trees, and practice.

You must report on our form:

a. All the acreage of citrus in the county in which you have a share;

b. The practice;

c. Your share on the date insurance attaches; and

d. The number of bearing trees.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any citrus grown in the county. This report must be submitted annually on or before December 10. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by December 10, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insurance acreage, times your share at the time insurance attaches.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1985 crop year under the terms of the experience table contained in the citrus policy in effect for the 1986 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1991 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1986 crop year;

(4) Once the loss ratio exceeds .80, no further premium reduction will apply; and

(5) Participation must be continuous.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you, or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance Period.

a. Insurance attaches on December 1 prior to the calendar year of normal bloom, and ends at the earliest of:

(1) Total destruction of the citrus;

(2) Harvest of the citrus;

(3) Final adjustment of a loss; or

(4) The date following the year in which the bloom is normally set as follows:

(a) August 31 for Navel oranges and Southern California lemons;

(b) November 30 for Valencia oranges; or

(c) July 31 for all other types of citrus.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us prompt written notice.

(a) After insured damage to the citrus becomes apparent, giving the dates and causes of such damage; or

(b) If you decide not to further care for or harvest any part of it.

(2) You must give us notice of probable loss at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice must be given. If harvest will begin after the end of the insurance period, notice must be given on or before the calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the citrus which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the citrus on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of citrus on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of citrus to be counted (see section 9f);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

d. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

e. If a determination is made that frost protection equipment was not properly utilized or not properly reported, the indemnity for the unit will be reduced by the percentage of premium reduction allowed for frost protection equipment. You must, at our request, provide us records showing the start-stop times by date for each period the equipment was used.

f. The total production (cartons) to be counted for each unit will include all harvested production marketed as fresh packed fruit and all appraised production determined to be marketable as fresh packed fruit.

(1) Any production will be considered marketed or marketable as fresh packed fruit unless, due to insurable causes, such production was not marketed or marketable as fresh packed fruit.

(2) In the absence of acceptable records to determine the disposition of harvested citrus, we may determine such disposition and the amount of such production to be counted for the unit.

(3) Appraised production to be counted will include:

(a) Unharvested production, and potential production lost due to uninsured causes and failure to follow recognized good citrus grove practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause or destroyed by you without our consent.

(4) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production is:

(a) Not harvested before harvest of the insured citrus type becomes general in the county and reappraised by us;

(b) Harvested; or

(c) Further damaged by an insured cause and reappraised by us.

(5) Citrus which cannot be marketed due to insurable causes will not be considered production.

(6) The amount of production of any unharvested citrus may be determined on the basis of field appraisals conducted after the end of the insurance period.

(7) If you elect to exclude hail and fire as insured causes of loss and the citrus is damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire."

g. You must not abandon any acreage to us.

h. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

i. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semiannually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

j. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the date insurance attaches for any crop year, any indemnity will be paid to the person determined to be beneficially entitled thereto.

k. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance.

For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to grove.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition of all citrus produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in cancellation of the contract prior to the crop year to which the records apply, assignment of production to units by us, or a determination that no indemnity is due. Any person designated by us will have access to such records and the grove for purposes related to the contract.

15. Life of contract: cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. Prior to the cancellation date you must:

(1) Furnish to us, satisfactory production records for the prior crop year or the contract will be canceled for the next crop year; or

(2) Show to our satisfaction that the records are not available because of conditions beyond your control, such as fire, flood or other natural disaster. (If this subsection (2) applies, the Field Actuarial Office may assign a yield for the year for which the records are unavailable).

d. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date both such other payment and setoff are approved.

e. The cancellation and termination dates are November 30.

f. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for 5 consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by August 31 preceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of Arizona-California citrus crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding citrus insurance in the county.

b. "Carton" as to each insured citrus type means the standard container for marketing fresh packed fruit as shown below by citrus type. In the absence of marketing records on such a carton basis, production will be converted to cartons on the basis of the following average net pounds of packed fruit in a standard packed carton.

Container size	Types of fruit	Pounds
Container #58	Navel oranges, Valencia oranges & Sweet oranges.	38
Container #58	Lemons	40
Container #59	Grapefruit	32
Container #63	Tangerines (including Tangelos) and Mandarin oranges.	25

c. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way will be considered contiguous.

d. "County" means the county shown on the application and any additional land located in a local producing area bordering

on the county as shown by the actuarial table.

e. "Crop year" means the period beginning with the date insurance attaches to the citrus crop and extending through normal harvest time, and will be designated by the calendar year following the year in which the bloom is normally set.

f. "Direct Mediterranean Fruit Fly damage" means the actual physical damage to the citrus on the unit which causes such citrus to be unmarketable and will not include unmarketability of such citrus as a direct result of a quarantine, boycott, or refusal to accept the citrus by any entity without regard to actual physical damage to such citrus.

g. "Harvest" means the severance of mature citrus from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable fruit from the ground.

h. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

i. "Insured" means the person who submitted the application accepted by us.

j. "Loss ratio" means the ratio of indemnity to premium.

k."Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

l. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

m. "Tenant" means a person who rents land from another person for a share of the citrus or a share of the proceeds therefrom.

n. "Unit" means all insurable acreage in the county of any one of the citrus types referred to in section 2 of this policy, located on contiguous land on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the citrus on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, DC on September 10, 1985.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 85-25722 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 411

[Docket No. 2725S]

Grape Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Grape Crop Insurance Regulations (7 CFR Part 411), effective for the 1986 and succeeding crop years. The intended effect of this rule is to: (1) Change a mandatory "Actual Production History" (APH) basis by removing the Premium Adjustment Table and providing for cancellation for not furnishing records; (2) change the method of computing indemnities when acreage, share or practice is underreported; (3) shorten the length of time an insured has to give notice when claiming an indemnity; (4) add an explanation for calculating dollar amount of insurance and production on units with both varieties; (5) lengthen the time an insured has to given notice of loss from 48 hours to 72 hours; and (6) add a definition of "Loss ratio." This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: November 1, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined and certifies that this action: (1) Is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Since policy changes must be on file by October 31, 1985, good cause is shown for making this rule effective in less than 30 days.

Other than minor changes in language and format, the principal changes in the grape policy are:

1. Section 5.—Remove the Premium Adjustment Table. The crop will be insured on an actual production history (APH) basis. Coverages will, therefore, reflect the actual production history of the crop on the unit. Insureds with good loss experience who are now receiving a premium discount are protected since they will retain any discount under the present schedule through the 1990 crop year, or until their loss experience causes them to lose the advantage, whichever is earlier.

Remove the provisions for the transfer of insurance experience and for premium computation when insurance has not been continuous. Deletion of the

Premium Adjustment Table eliminates the need for these provisions.

2. Section 8.—Lengthen from 48 hours to 72 hours the time the insured has to give notice of loss.

Shorten from 30 days to 10 days the time an insured has to give notice of loss when claiming an indemnity. This change will allow FCIC to determine indemnities in a more timely fashion.

3. Section 9.c—Change the method of calculating an indemnity by referring to price selection. This change is necessary to differentiate between Group A and Group B.

Add a section to explain the method of calculating the dollar amount of insurance and dollar amount of production on units with both Group A and B varieties.

Change the method of computing the indemnity when acres are underreported. The production from all acres will be applied against the reported acres in calculating indemnities. This change will reduce the indemnities when acres are underreported and reduce the complexity of calculations.

4. Section 15.c.—Add a clause to cancel the contract if production history is not furnished by the cancellation date. An exception will be allowed if the insured can show, prior to the cancellation date, that records are unavailable due to conditions beyond the insured's control. This clause is required by the change to mandatory APH.

5. Section 17.—Add a definition for the term "Loss ratio."

On Thursday, August 8, 1985, FCIC published a notice of proposed rulemaking in the **Federal Register** at 50 FR 32078, proposing to revise and reissue the Grape Crop Insurance Regulations (7 CFR Part 411), effective for the 1986 and succeeding crop years. The public was given 30 days in which to submit written comments on the proposed rule.

A number of comments were received contending that Group A and Group B grapes should not be combined into one unit. The grape policy provides for separate units when grapes are located on non-contiguous land or when applicable guidelines apply.

The grape policy provides protection on a unit which is the vineyard. These changes were made to be consistent with other perennial crop policy provisions and to reduce potential adverse selection on units smaller than a vineyard. The insured causes of damage and cultural practice required to produce the crop are the same for both groups. Therefore, the Corporation feels that adequate protection will be obtained for grapes with units as proposed. FCIC proposes to monitor this change in the future, but is not now adopting the suggestion.

On September 4–5, 1985, the Board of Directors, FCIC held informal meetings in Hearing Room B, Interstate Commerce Commission Building, Washington, D.C., for the purpose of receiving comments from interested parties on the Actual Production History (APH) method of insurance and on the proposal to restrict unit division by removing unit division guidelines from policies. No comments were received in direct response to this proposed rule. However, those concepts were included in the proposed rule.

The APH concept of yield guarantees establishes a direct relationship between proven production capability of the individual insured producer, and the insurance guarantee or the premium rates. It requires the insured producer to submit annual records of insured production as a condition of continued insurability. The determination to eliminate applicable unit division guidelines restricts unit division to include all the insurable crop grown within a county with no allowance for further division beyond those contained in the crop insurance policies.

Comments on the proposed regulations were received from six representatives of the private insurance industry, one member of Congress, fifteen insurance agents, four representatives of special interest groups, and five farmers.

The comments generally opposed: (1) The proposed requirement that insureds furnish annual records of insured production as a condition of continued insurability under the APH program for the establishment of yield guarantees; and (2) the proposed change to the insurance unit definition which would delete the guidelines filed at county service offices.

Those in opposition to the proposed regulations generally argued that they would decrease the marketability of crop insurance by making the resulting insurance offer less attractive to potential purchasers. Many predicted a substantial level of cancellation by current contract holders if the proposed regulations become effective.

Argument against the proposed requirement for records submission as a condition of continued insurance eligibility included: (1) Many farmers would not be willing to furnish records establishing annual production unless they have a loss and a potential indemnity; (2) an economic incentive like a reduced future yield guarantee is preferable to cancellation; and (3) the APH system as a whole is cumbersome, complex, and more difficult to administer than an area coverage plan.

Many commentators recommended that FCIC develop a plan to offer reduced insurance guarantees when a producer failed to voluntarily furnish records. Most comments supported the APH concept as a means of making an equitable insurance offer to the better producers of an area; however, many of the same group requested simplification of program procedures. Several comments recommended the establishment of a new method to reduce the impact of severe loss years upon yield guarantees for the future. A few comments recommended a return to an area coverage program as a means of retaining the participation of those whose recent production has not equaled former area coverage guarantees.

The comments received were fully considered in the course of arriving at the decision modifying the proposed rule.

The rationale for the initial adoption of the APH concept was to correct the problem of adverse selection inherent in the previous area coverage plans of insurance. Adverse selection occurs when the best insurance offer is made to the highest risk producer and the poorest insurance offer is made to the lowest risk producer. It is characterized by having insured clients with higher than average risk expectations without commensurate higher premium rates.

Adverse selection results in higher than expected losses and ultimately in higher premium rates and thus, over the long term, severely limits participation levels.

Adverse selection is best addressed by establishing a direct relationship between proven production capability of individual producers and their insurance guarantee and premium rates. The APH program accomplishes this objective.

Records of production are basic to a yield protection program of insurance. There is no logical alternative to requiring records if such a program is to succeed over an extended period of time. The APH concept, linking records to guarantees, is clearly preferable to any extension of the area coverage concept under any disguise. The latter can only lead to further aggravation of adverse selection. The ultimate result is the program serving only the lowest producing farmers on the highest risk land.

The premise that farmers will choose to cancel insurance participation in preference to furnishing annual records of production after the close of harvest

or marketing season is rejected. The need to have such records of production for other business purposes, including for share rent settlement purposes, for financial statements in the event of the use of borrowed funds for operations, and for the submission of income tax returns, combined with the need of such records for farm management purposes, make such records readily available for most producers. The grape program is a "guaranteed yield concept" (GYC) program which requires submission of production records. This requirement has not had an adverse effect on the program. The records are available. No legitimate reason exists for failure to support a requested yield guarantee by furnishing production records.

If the sole reason for unwillingness to submit records of production lies in the fact that such submission will result in a lower than otherwise obtainable yield guarantee for the future, then the producer is seeking to be overinsured in relation to his proven capability. While past performance is not an absolute guarantee of future yield expactations, it is the best indicator which can be measured objectively.

The FCIC would be violating its public trust if it were not to use the best system possible to establish yield guarantees which fairly reflect yield expectations. Considering the administrative changes to procedure which are to be implemented, the objections to the APH program raised in the comments have been fully and fairly considered and are regraded as an insufficient basis for reversal of previous proposed regulations.

FCIC, in response to requests from the producers and the participating insurance industry, has taken administrative action to ease the burden of keeping the required records and to address problems in program administration. These actions were taken with regard to all crops which are not under a GYC–APH principle of insurance.

For those crops with GYC–APH based yield guarantees, the action to provide more time for submission of records is not a viable consideration.

The crop programs with GYC–APH based yield guarantees, including the provisions herein contained, were excluded from the provision allowing an extended time for the submission of records provided for other crop programs because the marketing period is generally much shorter and it is easier for producers to obtain sufficient records of production in time to be used in the determination of the next succeeding crop insurance guarantee. Further, many of the GYC–APH crops are produced on perennials and the yields of such crops tend to vary by the age of planting to an extent that inclusion of the most recent year's production data is necessary to the establishment of yield guarantees which fairly reflect production expectations.

Arguments against the proposed unit division change included: (1) Separate insurance units for widely dispersed tracts of farmland, differing topography or soil types, and differing cultural or farm management practices are necessary to maintain or build participation levels; (2) spot causes of loss like hail and flood generally damage only a relatively small portion of the total planted acreage of most farms, thus the more units allowed, the greater the protection offered; (3) the proposed unit structure would result in discrimination or unfair treatment among producers; (4) the producer is entitled to an indemnity payment under the crop insurance program when he suffers a loss on a portion of his planted acreage even when overall yields are normal; and (5) expected reductions in participation would result in increased adverse selection.

Many agreed that the current unit structure is less than satisfactory, but argued that FCIC should delay implementation of the proposed rule to provide time for further study and analysis of alternative approaches.

FCIC has determined to retain the present unit structure and institute further studies which are to be presented to the Board of Directors for consideration at the first meeting of the Board after February 1, 1986.

It is the objective of the FCIC to provide producers of agricultural commodities a program of insurance with an insurance unit structure which:

—Provides a disaster protection plan of insurance which meets the needs of producers at the lowest possible cost per acre.
—Minimizes the potential for fraud and abuse.
—Reduces the administrative costs of FCIC and writing companies.
—Minimizes the burden upon producers.
—Improves the actuarial soundness of the program.
—Simplifies and standardizes the unit definition for all programs.

The Board of Directors has discussed the unit definition issue on several occasions over the past three years.

The current standard insurance policy language defines "unit" as:

"Unit" means all insurable acreage of (name of crop) in the county on the date of planting for the crop year:

(1) in which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the (name of crop) on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your county service office.

As a matter of usual practice, units are often divided beyond that allowed by the policy unit definition to permit separate units by section or ASCS farm serial number. This is intended to be permitted only when varifiable records of production on such a basis exist.

The more insurance units allowed on a single contract, the higher the potential for fraud and abuse, the higher the costs of administration, and the larger the likelihood of legitimate loss.

The FCIC Board of Directors has been increasingly concerned about the high loss ratios (about 150%) experienced by the Corporation in the 1980–1984 period. It has refused to order a major premium rate increase because of its belief that normal weather and sound program design will prove the existing rates adequate over the long term.

The Board has chosen a course of action to reduce adverse selection, lessen the potential for fraud and abuse, and improve the equitability of the insurance offer between options and areas of operation.

The Board believes that these actions are preferable to the alternative of major increases in premiums to producers.

The level of program participation by potential insureds is of great interest to the FCIC. The potential users of the program, the farmers of this nation, have a clear need for the protection offered. Higher levels of participation are desired because such expanded use of a crop insurance as a risk management tool can reduce the adverse economic impacts of crop failure on not only individual producers but the state and community in which they live. Crop insurance as a device to offer disaster assistance to farmers is much preferred to the alternative programs offered in the past in terms of equitability and cost to the public. Further, higher levels of participation tend to remove adverse selection which continues to be a problem of program administration.

There is an apparent need to modify the insurance unit determination practices of the past. Most of the comments received recommended delay

and further study of the issues relating to insurance unit definition and that recommendation is accepted as being in the best interests of the program at this time. The management of FCIC has been directed to present the results of further study to the Board of Directors at its first meeting after February 1, 1986. Interested parties are requested to offer input or comments to the Board.

Any proposal presented during the requested timeframe should not only consider the impact upon program participation but also have a positive impact upon the actuarial soundness of the programs and the costs and burden of administration.

The most significant objection raised in the comment period was the opinion that significant adverse perception of the previously proposed change would lead to large numbers of cancellations by insured producers. The FCIC determination to permit the continued use of guidelines allowing further unit division will encourage continued growth in the program without undue risk of higher than normal cancellations.

These actions respond positively to the marketing-related concerns expressed regarding the previously proposed changes to the insurance regulations. They should have minimal adverse impact upon the attractiveness of the insurance offer and thus little negative impact upon participation rates.

Therefore, with the exception of minor changes in language and format, the proposed rule, amended as outlined above, is hereby adopted.

List of Subjects in 7 CFR Part 411

Crop insurance, Grapes.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Grape Crop Insurance Regulations (7 CFR Part 411), effective for the 1986 and succeeding crop years, to read as follows:

PART 411—GRAPE CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1986 and Succeeding Crop Years

Sec.

411.1 Availability of grape crop insurance.
411.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
411.3 OMB control numbers.
411.4 Creditors.
411.5 Good faith reliance on misrepresentation.
411.6 The contract.
411.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1986 and Succeeding Crop Years

§ 411.1 Availability of grape crop insurance.

Insurance shall be offered under the provisions of this subpart on grapes in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 411.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for grapes which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 411.3 OMB control numbers.

The OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

§ 411.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 411.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the grape insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this section must be submitted to the Corporation in writing.

§ 411.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the grape crop as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 411.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the grape crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1986 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a grape contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1986 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Grape Insurance Policy for the 1986 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Grape Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

Agreement to insure: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of Loss

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Wildlife;

(4) Earthquake;

(5) Volcanic eruption;

(6) Direct Mediterranean Fruit Fly damage; or

(7) If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches; unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(6).

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants, or employees;

(2) The failure to follow recognized good grape management practices;

(3) The failure or breakdown of irrigation equipment or facilities;

(4) The failure to follow recognized good grape irrigation practices;

(5) The impoundment of water by any governmental, public, or private dam or reservoir project; or

(6) Any cause not specified in section 1a as an insured loss.

2. Crop, Acreage, and Share Insured

a. The crop insured will be any insurable variety of grapes which are grown for wine, juice, raisins, or canning, on insured acreage, and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be grapes grown on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever, we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured grapes at the time insurance attaches.

d. We do not insure any acreage:

(1) On which the vines, after being set out, have not reached the number of growing seasons designated by the actuarial table;

(2) Which has not produced an average of 2 tons of grapes per acre; or

(3) With less than 90 percent of a stand of bearing vines based on the original planting, unless inspected by us and we agree, in writing, to insure such acreage (the actuarial table may provide exceptions to this clause).

e. If insurance is provided for an irrigated practice you must report as irrigated only the acreage for which you have adequate facilities and water, at the time insurance attaches, to carry out a good grape irrigation practice.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of Acreage, Share, and Practice

You must report on our form:

a. All the acreage or grapes in the county in which you have a share;

b. The practice;

c. Your share on the date insurance attaches; and

d. The number of bearing vines (if less than 90 percent of a stand based on the original planting pattern).

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any grapes grown in the county. This report must be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual Premium

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the grape policy in effect for the 1985 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1990 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;

(4) Once the loss ratio exceeds .80, no further premium reduction will apply; and

(5) Participation must be continuous.

6. Deductions for Debt

Any unpaid amount due us may be deducted from any indemnity payable to you, or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance Period

a. Insurance attaches each crop year on:

(1) February 1 in California;

(2) November 21 in Washington; and

(3) December 11 in all other states.

b. Insurance ends at the earliest of:

(1) Total destruction of the grapes on the unit;

(2) The date harvest should have started on the unit on any acreage which is not harvested;

(3) Harvest;

(4) Final adjustment of a loss; or

(5) December 10 (November 10 in Washington and California) of the calendar year in which the grapes are normally harvested.

c. In Indiana, Michigan, Missouri, New York, Pennsylvania, and Ohio, if you purchase any insurable acreage on or before January 5 of any crop year and if we inspect, consider acceptable, and agree in writing, to insure such acreage, insurance will be considered to have attached to such acreage on the preceding December 11. If you sell any acreage of grapes on or before January 5 of any crop year, insurance will not be considered to have attached to such acreage for that crop year.

8. Notice of Damage or Loss

a. In case of damage or probable loss:

(1) You must give us written notice if during the period before harvest, the grapes on any unit are damaged and you decide not to further care for or harvest any part of them.

(2) You must give us notice:

(a) At least 15 days before the beginning of harvest if you anticipate a loss on any unit; or

(b) Immediately, if damage occurs within 15 days prior to harvest or during harvest.

(3) If you are going to claim an indemnity on any unit, you must give us notice not later than 72 hours:

(a) After total destruction of the grapes on the unit;

(b) After discontinuance of harvest on the unit; or

(c) Before harvest would normally start if any acreage on the unit is not to be harvested.

(4) Unless notice has been given under subsection (3) above, and in addition to the other notices required by this section, if you are going to claim an indemnity on any unit, you must give us notice not later than 10 days after the earlier of:

(a) Harvest of the unit; or

(b) The calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the grapes which are not to be harvested.

c. We may reject any claim for indemnity of any of the requirements of this section or section 9 are not complied with.

9. Claim for Indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the grapes on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of grapes, Group A or Group B grapes, as defined in the actuarial table, on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Multiplying this product by the price election;

(3) Subtracting the dollar amount obtained by multiplying the total production to be counted (see section 9f) by the price election; and

(4) Multiplying this result by your share.

d. If a unit contains acreage to which both Group A and Group B grape guarantees apply, the dollar amount of insurance and the dollar amount of production to be counted will be determined separately for each group and then added together to determine the total amount for the unit.

e. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

f. The total production (tons) to be counted for a unit will include all harvest and appraised production:

(1) Grape production which, due to insurable causes, does not meet the minimum sugar solids and quality requirements of the receiving processor and has a value of less than 75 percent of the market price for grapes meeting the minimum requirements, or would not meet these requirements if properly handled, will be adjusted by:

(a) Dividing the value per ton of the applicable group of grapes by the highest price election available for such grapes; and

(b) Multiplying the result (not to exceed 1) by the number of tons of such grapes.

(2) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good grape management practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause, or destroyed by you without our consent; and

(c) Any appraised production on unharvested acreage.

(3) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production is:

(a) Not harvested before the harvest of grapes becomes general in the county and reappraised by us;

(b) Harvested; or

(c) Further damaged by an insured cause and reappraised by us.

(4) If any grapes are harvested before normal maturity, the production of such grapes will be increased by the factor obtained by dividing the price per ton received for such grapes by the price per ton for fully matured grapes.

(5) The amount of production of any unharvested grapes may be determined on the basis on field appraisals conducted after discontinuance of harvest or the end of the insurance period.

(6) If you elect to exclude hail and fire as insured causes of loss and the grapes are damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire."

g. You must not abandon any acreage to us.

h. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

i. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semiannually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

j. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) determined to be beneficially entitled thereto.

k. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance.

For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or Fraud

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of Right to Indemnity on Insured Share

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of Indemnity

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. This assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of Loss From a Third Party)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will paid to you.

14. Records and Access to Farm

You must keep, for two years after the time of loss, records of the harvesting, storage,

shipment, sale, or other disposition of all grapes produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in cancellation of the contract prior to the crop year to which the records applied, assignment of production to units by us, or a determination that no indemnity is due. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of Contract: Cancellation and Termination

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. Prior to the cancellation date you must:

(1) Furnish to us satisfactory production records for the crop year or the contract will be cancelled for the next crop year, or

(2) Show to our satisfaction that the records are not available because of conditions beyond your control, such as fire, flood or other natural disaster, (If this subsection (2) applies, the Field Actuarial Office may assign a yield for which the records are available).

d. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due if deducted from:

(1) An indemnity will be the date you sign the claim; or

(2) Payment under another program administered by the United States Department of Agriculture will be the date both such other payment and setoff are approved.

e. The cancellation and termination dates are:

State	Cancellation and termination dates
California	January 31.
Washington	November 20.
All other states	December 10.

f. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for 5 consecutive years.

16. Contract Changes

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by August 31 preceding the cancellation date for counties with a November 20 or December 10 cancellation date, and by October 31 preceding the cancellation date for all other counties. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of Terms

For the purposes of grape crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding grape insurance in the county.

b. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way will be considered contiguous.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county as shown by the actuarial table.

d. "Crop year" means the period beginning with the date insurance attaches and extending through normal harvest time and will be designated by the calendar year in which the grapes are normally harvested.

e. "Harvest" means picking the grapes from the vines.

f. "Direct Mediterranean Fruit Fly damage" means the actual physical damage to the grapes on the unit which causes such grapes to be unmarketable and will not include unmarketability of such grapes as a direct result of a quarantine, boycott, or refusal to accept the grapes by any entity without regard to actual physical damage to such grapes.

g. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

h. "Insured" means the person who submitted the application accepted by us.

i. "Loss ratio" means the ratio of indemnity to premium.

j. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Tenant" means a person who rents land from another person for a share of the grapes or a share of the proceeds therefrom.

m. "Ton" means 2,000 pounds.

n. "Unit" means all insurable acreage of grapes in the county, located on contiguous land, on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the grapes on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, D.C., on October 23, 1985.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 85-25724 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 413

[Docket No. 2728S]

Texas Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Texas Citrus Crop Insurance Regulations (7 CFR Part 413),

effective for the 1987 and succeeding crop years. The intended effect of this rule is to: (1) Specify and restrict the perils insured against; (2) modify procedures for obtaining insurance in certain instances of low production history; (3) specify the crop year insurance first attaches when there are no acceptable production records; (4) add provisions for insurance on newly acquired acreage; (5) add stage guarantees; (6) change the method of computing indemnities when acreage, share or practice is underreported; (7) prescribe procedures for insuring Texas citrus on an "Actual Production History" (APH) basis; (8) remove the Premium Adjustment Table and provide for cancellation for not furnishing records; and (9) add definitions of "Loss ratio," "Cyclone", "Freeze", "Frost", "Hedged," and "Topped." This rule is promulgated under the authority of the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: November 1, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined and certifies that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Since policy changes must be on file by October 31, 1985, good cause is shown for making this rule effective in less than 30 days.

Other than minor changes in language and format, the principal changes in the Texas Citrus policy are:

1. *Section 1*—Adverse weather conditions were removed from the policy as a cause of loss because it is impossible to differentiate between uninsurable and insurable causes of loss in cases such as limb rub damage to the fruit and other causes. Such damage could be caused by adverse weather conditions, normal growing conditions, or grove management practices. In order to insure that proper loss determinations can be made, the perils insured against are named in the policy.

2. *Section 2*—Clarify procedures for an insurance offer at a given production guarantee, after inspection, on production potential of less than 3 tons per acre. This change will allow us to offer insurance to the grower to insure the production potential after a crop year in which substantial damage occurs. Require inspection and a written agreement to insure a unit with no production records or a newly acquired acreage.

3. *Section 4*—Provide stage guarantees to limit the liability during a period when insurance attaches on two crop years at the same time.

4. *Section 5*—Remove the Premium Adjustment Table. The crop will be insured on an actual production history (APH) basis. Coverages will therefore reflect the actual production history of the crop on the unit.

Remove the provisions for the transfer of insurance experience and for premium computation when participation has not been continuous. Deletion of the premium adjustment table eliminates the need for these provisions.

5. *Section 9*—When acres are underreported, the production from all acres will be applied against the reported acres in calculating indemnities. This change will reduce the complexity of calculations.

6. *Section 15*—Add a clause to cancel the contract if production history is not furnished by the cancellation date. An exception will be allowed if the insured can show, prior to the cancellation date, that records are unavailable due to conditions beyond the insured's control. This clause is required by the change to mandatory APH. Clarify when insurance attaches.

7. *Section 17*—Add definitions for "Cyclone", "Freeze", "Frost", "Hedged", "Loss ratio", and "Topped" for further clarification.

On Friday, August 9, 1985, FCIC published a notice of proposed rulemaking in the **Federal Register** at 50 FR 32218, revising and reissuing the Texas Citrus Crop Insurance Regulations (7 CFR Part 413), effective for the 1987 crop year. The public was given 30 days in which to submit comments on the proposed rule.

Two comments were received which contend that FCIC's definition of "cyclone" fails to provide adequate protection to citrus growers for damage sustained by winds having a velocity of less than hurricane force (75 mph) winds. The commentators suggested that a definition be provided which would allow for severe winds of less than hurricane force, but which are sufficiently strong enough to damage citrus trees and fruit. The suggestions cited wind speeds of 39 mph and 58 mph.

FCIC considered this suggestion and agreed to establish a minimum sustained wind speed in excess of 58 mph.

The identification of the cyclone by the U.S. Weather Service is key to the nature and strength of the wind. FCIC has modified its definition to read "Cyclone" means a severe storm, identified by the U.S. Weather Bureau, which has sustained (or gusting) winds in excess of 58 mph.

On September 4–5, 1985, the Board of Directors, FCIC held informal meetings in Hearing Room B, Interstate Commerce Commission Building, Washington, D.C., for the purpose of receiving comments from interested parties on the Actual Production History (APH) method of insurance and on the determination to restrict unit division by removing unit division guidelines from policies. No comments were received in direct response to the proposed rule. However, those concepts were included in the proposed rule.

The APH concept of yield guarantees establishes a direct relationship between proven production capability of the individual insured producer, and the insurance guarantee, or the premium rates. It requires the insured producer to submit annual records of insured

production as a condition of continued insurability. The determination to eliminate applicable unit division guidelines restricts unit division to include all the insurable crop grown within a county with no allowance for further division beyond those contained in the crop insurance policies.

Comments on the proposed regulations were received from six representatives of the private insurance industry, one member of Congress, fifteen insurance agents, four representatives of special interest groups, and five farmers.

The comments generally opposed: (1) The proposed requirement that insureds furnish annual records of insured production as a condition of continued insurability under the APH program for the establishment of yield guarantees; and (2) the proposed change to the insurance unit definition which would delete the guidelines filed at county service offices.

Those in opposition to the proposed regulations generally argued that they would decrease the marketability of crop insurance by making the resulting insurance offer less attractive to potential purchasers. Many predicted a substantial level of cancellation by current contract holders if the proposed regulations became effective.

Argument against the proposed requirement for records submission as a condition of continued insurance eligibility included: (1) Many farmers would not be willing to furnish records establishing annual production unless they have a loss and a potential indemnity; (2) an economic incentive like a reduced future yield guarantee is preferable to cancellation; and (3) the APH system as a whole is cumbersome, complex, and more difficult to administer than an area coverage plan.

Many commentators recommended that FCIC develop a plan to offer reduced insurance guarantees when a producer failed to voluntarily furnish records. Most comments supported the APH concept as a means of making an equitable insurance offer to the better producers of an area; however, many of the same group requested simplification of program procedures. Several comments recommended the establishment of a new method to reduce the impact of severe loss years upon yield guarantees for the future. A few comments recommended a return to an area coverage program as a means of retaining the participation of those whose recent production has not equaled former area coverage guarantees.

The comments received were fully considered in the course of arriving at the decision modifying the proposed rule.

The rationale for the initial adoption of the APH concept was to correct the problem of adverse selection inherent in the previous area coverage plans of insurance. Adverse selection occurs when the best insurance offer is made to the highest risk producer and the poorest insurance offer is made to the lowest risk producer. It is characterized by having insured clients with higher than average risk expectations without commensurate higher premium rates. Adverse selection results in higher than expected losses and ultimately in higher premium rates and thus, over the long term, severely limits participation levels.

Adverse selection is best addressed by establishing a direct relationship between proven production capability of individual producers and their insurance guarantee and premium rates. The APH program accomplishes this objective.

Records of production are basic to a yield protection program of insurance. There is no logical alternative to requiring records if such a program is to succeed over an extended period of time. The APH concept, linking records to guarantees, is clearly preferable to any extension of the area coverage concept under any disguise. The latter can only lead to further aggravation of adverse selection. The ultimate result is the program serving only the lowest producing farmers on the highest risk land.

The premise that farmers will choose to cancel insurance participation in preference to furnishing annual records of production after the close of harvest or marketing season is rejected.

The need to have such records of production for other business purposes, including for share rent settlement purposes, for financial statements in the event of the use of borrowed funds for operations, and for the submission of income tax returns, combined with the need of such records for farm management purposes, make such records readily available for most producers. The Texas citrus program is a "guaranteed yield concept" (GYC) program which requires submission of production records. This requirement has not had an adverse effect on the program. The records are available. No legitimate reason exists for failure to support a requested yield guarantee by furnishing production records.

If the sole reason for unwillingness to submit records of production lies in the fact that such submission will result in a lower than otherwise obtainable yield guarantee for the future, then the producer is seeking to be overinsured in relation to his proven capability. While past performance is not an absolute guarantee of future yield expectations, it is the best indicator which can be measured objectively.

The FCIC would be violating its public trust if it were not to use the best system possible to establish yield guarantees which fairly reflect yield expectations. Considering the administrative changes to procedure which are to be implemented, the objections to the APH program raised in the comments have been fully and fairly considered and are regarded as an insufficient basis for reversal of previous proposed regulations.

FCIC, in response to requests from the producers and the participating insurance industry, has taken administrative action to ease the burden of keeping the required records and to address problems in program administration. These actions were taken with regard to all crops which are not under an GYC-APH principle of insurance.

For those crops with GYC–APH based yield guarantees, the action to provide more time for submission of records is not a viable consideration.

The crop programs with GYC–APH based yield guarantees, including the provisions herein contained, were excluded from the provision allowing an extended time for the submission of records provided for other crop programs because the marketing period is generally much shorter and it is relatively easier for producers to obtain sufficient records of production in time to be used in the determination of the next succeeding crop insurance guarantee. Further, many of the GYC–APH crops are produced on perennials and the yields of such crops tend to vary by the age of planting to an extent that inclusion of the most recent year's production data is necessary to the establishment of yield guarantees which fairly reflect production expectations.

Arguments against the proposed change included: (1) Separate insurance units for widely dispersed tracts of farmland, differing topography or soil types, and differing cultural or farm management practices are necessary to maintain or build participation levels; (2) spot causes of loss like hail and flood generally damage only a relatively small portion of the total planted acreage of most farms, thus the more units allowed, the greater the protection offered; (3) the proposed unit structure would result in discrimination or unfair treatment among producers; (4) the producer is entitled to an indemnity payment under the crop insurance program when he suffers a loss on a portion of his planted

acreage even when overall yields are normal; and (5) expected reductions in participation would result in increased adverse selection. Many agreed that the current unit structure is less than satisfactory, but argued that FCIC should delay implementation of the proposed rule to provide time for further study and analysis of alternative approaches.

FCIC has determined to retain the present unit structure and institute further studies which are to be presented to the Board of Directors for consideration at the first meeting of the Board after February 1, 1986.

It is the objective of the FCIC to provide producers of agricultural commodities a program of insurance with an insurance unit structure which:

—Provides a disaster protection plan of insurance which meets the needs of producers at the lowest possible cost per acre.
—Minimizes the potential for fraud and abuse.
—Reduces the administrative costs of FCIC and writing companies.
—Minimizes the burden upon producers.
—Improves the actuarial soundness of the program.
—Simplifies and standardizes the unit definition for all programs.

The Board of Directors has discussed the unit definition issue on several occasions over the past three years.

The current Standard insurance policy language defines "unit" as:

"Unit" means all insurable acreage of (name of crop) in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the (name of crop) on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your county service office.

As a matter of usual practice, units are often divided beyond that allowed by the policy unit definition to permit separate units by section or ASCS farm serial number. This is intended to be permitted only when verifiable records of production on such a basis exist.

The more insurance units allowed on a single contract, the higher the potential for fraud and abuse, the higher the costs of administration, and the larger the likelihood of legitimate loss.

The FCIC Board of Directors has been increasingly concerned about the high loss ratios (about 150%) experienced by the Corporation in the 1980–1984 period. It has refused to order a major premium rate increase because of its belief that normal weather and sound program design will prove the existing rates adequate over the long term.

The Board has chosen a course of action to reduce adverse selection, lessen the potential for fraud and abuse, and improve the equitability of the insurance offer between options and areas of operation.

The Board believes that these actions are preferable to the alternative of major increases in premiums to producers.

The level of program participation by potential insureds is of great interest to the FCIC. The potential users of the program, the farmers of this nation, have a clear need for the protection offered. Higher levels of participation are desired because such expanded use of a crop insurance as a risk management tool can reduce the adverse economic impacts of crop failure on not only individual producers but the state and community in which they live.

Crop insurance as a device to offer disaster assistance to farmers is much preferred to the alternative programs offered in the past in terms of equitability and cost to the public. Further, higher levels of participation tend to remove adverse selection which continues to be a problem of program administration.

There is an apparent need to modify the insurance unit determination practices of the past. Most of the comments received recommended delay and further study of the issues relating to insurance unit definition and that recommendation is accepted as being in the best interests of the program at this time. The management of FCIC has been directed to present the results of further study to the Board of Directors at its first meeting after February 1, 1986. Interested parties are requested to offer input or comments to the Board. Any proposal presented during the requested timeframe should not only consider the impact upon program participation but also have a positive impact upon the actuarial soundness of the programs and the costs and burden of administration.

The most significant objection raised in the comment period was the opinion that significant adverse perception of the previously proposed change would lead to large numbers of cancellations by insured producers. The FCIC determination to permit the continued use of guidelines allowing further unit division will encourage continued growth in the program without undue risk of higher than normal cancellations.

These actions respond positively to the marketing-related concerns expressed regarding the previously proposed changes to the insurance regulations. They should have minimal adverse impact upon the attractiveness of the insurance offer and thus little negative impact upon participation rates.

Changes in the Texas Citrus Crop Insurance Policy must be on file in the service office for the county by October 31, 1985. Therefore, good cause is shown for making this rule effective in less than 30 days from the date of publication in the **Federal Register.** With exception of minor changes in language and format, the proposed rule amended as outlined above, is hereby adopted.

List of Subjects in 7 CFR Part 413

Crop insurance, Texas citrus.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Texas Citrus Crop Insurance Regulations (7 CFR Part 413), effective for the 1987 and succeeding crop years, to read as follows:

PART 413—TEXAS CITRUS INSURANCE REGULATIONS

Subpart—Regulations for the 1987 and Succeeding Crop Years

Sec.

413.1 Availability of Texas citrus crop insurance.
413.2 Premium rates and amounts of insurance.
413.3 OMB control numbers.
413.4 Creditors.
413.5 Good faith reliance on misrepresentation.
413.6 The contract.
413.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516)

Subpart—Regulations for the 1987 and Succeeding Crop Years

§ 413.1 Availability of Texas citrus crop insurance.

Insurance shall be offered under the provisions of this subpart on citrus in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 413.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and amounts of insurance for citrus which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect an amount of insurance per acre from among those amounts contained in the actuarial table for the crop year.

§ 413.3 OMB control numbers.

The OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

§ 413.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 413.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the Texas Citrus insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this section must be submitted to the Corporation in writing.

§ 413.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the citrus corp as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 413.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the citrus crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1987 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a citrus insurance contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1987 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Texas Citrus Crop Insurance Policy for the 1987 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Texas Citrus Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Freeze;
(2) Frost;
(3) Excess moisture;
(4) Hail;
(5) Fire;
(6) Tornado;
(7) Cyclone;
(8) Wildlife;
(9) Failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches; or
(8) Direct Mediterranean Fruit Fly damage;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(9).

b. We will not insure against any loss of production due to:

(1) Fire, where weeds and other forms of undergrowth have not been controlled or tree pruning debris has not been removed from the grove;
(2) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants, or employees;
(3) The failure to follow recognized good citrus grove practices;
(4) The impoundment of water by any governmental, public, or private dam or reservior project;
(5) The failure or breakdown of irrigation equipment or facilities;
(6) The failure to carry out a good citrus irrigation practice; or
(7) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be any of the following citrus types which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table which you elect:

Type I—Early and midseason oranges;
Type II—Late oranges (including Temples);
Type III—Grapefruit, except the Star Ruby and Ruby Red varieties;
Type IV—Star Ruby variety of grapefruit; or
Type V—Ruby Red variety of grapefruit.

b. The acreage insured for each crop year will be that acreage of citrus located on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured citrus on the date insurance attaches.

d. We do not insure any acreage:

(1) Which is not irrigated;

(2) Which has not produced an average of 3 tons of oranges or grapefruit per acre the previous year unless the acreage is inspected by us and we agree, in writing, to the amount of insurance coverage; or

(3) If the practices carried out are not in accordance with the practices for which the premium rates have been established.

e. Insurance will not attach until any acreage has been inspected and accepted by us:

(1) For the crop year the application is filed;

(2) Acquired for the crop year; or

(3) Without acceptable production records.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, share, number of trees, and practice.

You must report on our form:

a. All the acreage of citrus in the county in which you have a share ;

b. The practice;

c. Your share on the date insurance attaches;

d. The number of bearing trees; and

e. The number of trees topped, hedged, or pruned.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any citrus grown in the county. This report must be submitted annually on or before June 30. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by June 30, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. The production guarantee contained in the actuarial table is the second stage guarantee. The first stage guarantee is 25 percent of the second stage guarantee. The stages are:

(1) First stage applies from the date insurance attaches until April 1 of the following calendar year of normal bloom (Our liability will be limited to the first stage guarantee if the fruit was damaged during this period to the extent that growers in the area generally would not further care for the crop); and

(2) Second stage applies from April 1 of the calendar year of normal bloom through the end of the insurance period.

c. Coverage level 2 will apply if you do not elect a coverage level.

d. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time insurance attaches.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

a. Insurance attaches on December 1 prior to the calendar year of normal bloom, except that:

(1) For the crop year following a crop year in which substantial damage occurred, insurance will not attach until the acreage is inspected and accepted by us and you agree, in writing, to the production guarantee determined for that crop year;

(2) For the initial crop year, if we accept your application for citrus insurance after December 1, insurance will attach on the twentieth day after you sign the application; and

(3) If additional acreage is acquired after the acreage reporting date, insurance will not attach until the acreage is inspected and accepted by us.

b. Insurance ends at the earliest of:

(1) Total destruction of the citrus;

(2) Harvest;

(3) Final adjustment of a loss; or

(4) May 31 of the calendar year following the normal year of bloom.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice promptly:

(a) After insured damage to the citrus becomes apparent, giving the dates and causes of such damage; or

(b) If you decide not to further care for or harvest any part of the citrus on the unit.

(2) You must give us notice of probable loss at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice must be given. If harvest will begin after the end of the insurance period, notice must be given on or before the calendar date for the end of the insurance period (see section 7b(4)).

b. You must obtain written consent from us before you destroy any of the citrus which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the citrus on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period (see section 7b(4)).

b. We will not pay any indemnity unless you:

(1) Establish the total production of citrus on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of citrus to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

d. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

e. The total production to be counted for a unit will include all harvested and appraised production.

(1) Any citrus production which is not marketed as fresh fruit and due to insurable causes does not contain 120 or more gallons of juice per ton, will be adjusted by:

(a) Dividing the gallons of juice per ton obtained from the damaged citrus by 120; and

(b) Multiplying the result by the number of tons of such citrus. If individual records of juice content are not available, an average juice content will be used.

(2) Where the actuarial table provides for and you elect the fresh fruit option, citrus production which is not marketable as fresh fruit due to insurable causes will be adjusted by:

(a) Dividing the value per ton of the damaged citrus by the price of undamaged citrus; and

(b) Multiplying the results by the number of tons of such citrus. The applicable price for undamaged citrus will be the local market price the week before damage occurred, or the contract price if the contract was entered into between the producer and buyer before damage occurred.

(3) Any production will be considered marketed or marketable as fresh fruit unless due to insurable causes, such production was not marketed as fresh fruit.

(4) In the absence of acceptable records to determine the disposition of harvested citrus, we may elect to determine such disposition and the amount of such production to be counted for the unit.

(5) Any citrus on the ground which is not picked up and marketed will be considered lost if the damage was due to an insured cause.

(6) Appraised production to be counted will include:

(a) Unharvested production, and potential production lost due to uninsured causes and failure to follow recognized good citrus grove practices; and

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause or destroyed by you without our consent.

(7) Any appraisal we have made on insured acreage will be considered production to count unless the appraised production is:

(a) Not harvested before the harvest of the insured citrus type becomes general in the county and reappraised by us;

(b) Harvested; or

(c) Further damaged by an insured cause and reappraised by us.

(8) The amount of production of any unharvested citrus may be determined on the basis of field appraisals conducted after the end of the insurance period.

(9) If you elect to exclude hail and fire as insured causes of loss and the citrus is damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire."

f. You must not abandon any acreage to us.

g. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

h. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semiannually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the date insurance attaches for any crop year, any indemnity will be paid to the persons determined to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance.

For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to grove.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition of all citrus produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in cancellation of the contract prior to the crop year to which the records apply, assignment of production to units by us, or a determination that no indemnity is due. Any person designated by us will have access to such records and the grove for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. Prior to the cancellation date you must:

(1) Furnish to the Corporation satisfactory production records for the prior crop year or the contract will be cancelled for the next crop year; or

(2) Show to our satisfaction that the records are not available because of conditions beyond your control, such as fire, flood or other natural disaster. (If this subsection (2) applies, the Field Actuarial Office may assign a yield for the year for which the records are unavailable).

d. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on/or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due if deducted from:

(1) An indemnity will be the date you sign the claim; or

(2) Payment under another program administered by the United States Department of Agriculture will be the date both such other payment and setoff are approved.

e. The cancellation and termination dates are November 30 prior to the date insurance attaches.

f. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof.

Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for 5 consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by August 31 proceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of Texas citrus crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding citrus insurance in the county.

b. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way will be considered contiguous.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county as shown by the actuarial table.

d. "Crop year" means the period beginning with the date insurance attaches to the citrus crop and extending through normal harvest time, and will be designated by the calendar

year following the year in which the bloom is normally set.

e. "Cyclone" means only a large-scale, atmospheric wind-and-pressue system characterized by low pressure at its center and counterclockwise circular wind motion which has been named by the United States Weather Bureau and which has sustained winds in excess of 58 miles per hour at the nearest U.S. Weather Service reporting station to the crop damage at the time of the crop damage.

f. "Direct Mediterranean Fruit Fly damage" means the actual physical damage to the citrus on the unit causes such citrus to be unmarketable and will not include unmarketability of such citrus as a direct result of a quarantine, boycott, or refusal to accept the citrus by any entity without regard to actual physical damage to such citrus.

g. "Freeze" means the condition that exists when air temperatures over a widespread area remain at or below 32 degrees Fahrenheit.

h. "Frost" means the condition that exists when the air temperature around the plant falls to 32 degrees Fahrenheit or below.

i. "Harvest" means the severance of mature citrus from the tree either by pulling, picking, or by mechanical or chemical means, or picking up the marketable fruit from the ground.

j. "Hedged" means to cut back the side branches for better or more fruitful growth.

k. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

l. "Insured" means the person who submitted the application accepted by us.

m. "Loss ratio" means the ratio of indemnity to premium.

n. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

o. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

p. "Tenant" means a person who rents land from another person for a share of the citrus or a share of the proceeds therefrom.

q. "Topped" means to cut back the upper branches for better or more fruitful growth.

r. "Unit" means all insurable acreage in the county of any one of the citrus types referred to in section 2 of this policy, located on contiguous land on the date insurance attaches for the crop year:

(1) in which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the citrus on such land will be considered as owned by the lessee.

Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determination, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, D.C. on October 22, 1985.

Edwards Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 85-25720 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 439

[Docket No. 2730S]

Almond Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Almond Crop Insurance Regulations (7 CFR Part 439), effective for the 1986 and succeeding crop years. The intended effect of this rule is to: (1) Add as a cause of loss the unavoidable failure of irrigation water supply after insurance attaches; (2) change to a mandatory "Actual Production History" (APH) basis by removing the Premium Adjustment Table and providing for cancellation for not furnishing records; (3) change the method of computing indemnities when acreage, share, or practice is underreported; (4) change the cancellation and termination dates; (5) add a definition of "Loss ratio" and (6) amend the definition for "Total meat pounds". This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: November 1, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is May 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined and certifies that this action (1) is not major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Since policy changes must be on file by October 31, 1985, good cause is shown for making this rule effective in less than 30 days.

Other than minor changes in language and format, the principal changes in the almond policy are:

1. Section 1.a.(7)—Add the failure of the irrigation water supply because of unavoidable cause as an insurable cause of loss. This clarifies intent since it is implied in Section 2.d.(1).

2. Section 5.—Remove the Premium Adjustment Table. The crop will be insured on an actual production history

(APH) basis. Coverages will, therefore, reflect the actual production history of the crop on the unit. Insureds with good loss experience who are now receiving a premium discount are protected since they will retain any discount under the present schedule through the 1990 crop year or until their loss experience causes them to lose the advantage, whichever is earlier.

Remove the provisions for the transfer of insurance experience and for premium computation when insurance has not been continuous. Deletion of the Premium Adjustment Table eliminates the need for these provisions.

3. Section 9.d.—When acres are underreported, the production from all acres will be applied against the reported acres in calculating indemnities. This change will reduce the indemnities when acres are underreported and will reduce the complexity of calculations.

4. Section 15.c.—Add a clause to cancel the contract if production history is not furnished by the cancellation date. An exception will be allowed if the insured can show, prior to the cancellation date, that records are unavailable due to conditions beyond the insured's control. This clause is required by the change to mandatory APH.

5. Section 15e.—Change the cancellation and termination dates to December 31. This change is made to coincide with the sales closing date.

6. Section 17.m.—Redefine "Total meat pounds."

7. Section 17.i.—Add a definition for the term "Loss Ratio" to clarify its use in Section 5.

On Friday, August 9, 1985, FCIC published a notice of proposed rulemaking in the **Federal Register** at 50 FR 32223, to revise and reissue the Almond Crop Insurance Regulations (7 CFR Part 439), effective for the 1986 and succeeding crop years. The public was given 30 days in which to submit written comments on the proposed rule. No comments were received in direct response to this proposed rule. However, on September 4–5, 1985, the Board of Directors, FCIC held informal meetings in Hearing Room B, Interstate Commerce Commission Building, Washington, DC, for the purpose of receiving comments from interested parties on the Actual Production History (APH) method of insurance and on the proposal to restrict unit division by removing unit division guidelines from policies. Those concepts were included in the proposed rule.

The APH concept of yield guarantees establishes a direct relationship between proven production capability of the individual insured producer, and the insurance guarantee or the premium rates. It requires the insured producer to submit annual records of insured production as a condition of continued insurability. The determination to eliminate applicable unit division guidelines restricts unit division to include all the insurable crop grown within a county with no allowance for further division beyond those contained in the crop insurance policies.

Comments on the proposed regulations were received from six representatives of the private insurance industry, one member of Congress, fifteen insurance agents, four representatives of special interest groups, and five farmers.

The comments generally opposed: (1) The proposed requirement that insureds furnish annual records of insured production as a condition of continued insurability under the APH program for the establishment of yield guarantees; and (2) the proposed change to the insurance unit definition which would delete the guidelines filed at county service offices.

Those in opposition to the proposed regulations generally argued that they would decrease the marketability of crop insurance by making the resulting insurance offer less attractive to potential purchasers. Many predicted a substantial level of cancellation by current contract holders if the proposed regulations became effective.

Argument against the proposed requirement for records submission as a condition of continued insurance eligibility included: (1) Many farmers would not be willing to furnish records establishing annual production unless they have a loss and a potential indemnity; (2) an economic incentive like a reduced future yield guarantee is preferable to cancellation; and (3) the APH system as a whole is cumbersome, complex, and more difficult to administer than an area coverage plan.

Many commentators recommended that FCIC develop a plan to offer reduced insurance guarantees when a producer failed to voluntarily furnish records. Most comments supported the APH concept as a means of making an equitable insurance offer to the better producers of an area; however, many of the same group requested simplification of program procedures. Several comments recommended the establishment of a new method to reduce the impact of severe loss years upon yield guarantees for the future. A few comments recommended a return to an area coverage program as a means of retaining the participation of those whose recent production has not equaled former area coverage guarantees.

The comments received were fully considered in the course of arriving at the decision modifying the proposed rule.

The rationale for the initial adoption of the APH concept was to correct the problem of adverse selection inherent in the previous area coverage plans of insurance. Adverse selection occurs when the best insurance offer is made to the highest risk producer and the poorest insurance offer is made to the lowest risk producer. It is characterized by having insured clients with higher than average risk expectations without commensurate higher premium rates. Adverse selection results in higher than expected losses and ultimately in higher premium rates and thus, over the long term, severely limits participation levels.

Adverse selection is best addressed by establishing a direct relationship between proven production capability of individual producers and their insurance guarantee and premium rates. The APH program accomplishes this objective.

Records of production are basic to a yield protection program of insurance. There is no logical alternative to requiring records if such a program is to succeed over an extended period of time. The APH concept, linking records to guarantees, is clearly preferable to any extension of the area coverage concept under any disguise. The latter can only lead to further aggravation of adverse selection. The ultimate result is the program serving only the lowest producing farmers on the highest risk land.

The premise that farmers will choose to cancel insurance participation in preference to furnishing annual records of production after the close of harvest or marketing season is rejected. The need to have such records of production for other business purposes, including for share rent settlement purposes, for financial statements in the event of the use of borrowed funds for operations, and for the submission of income tax returns, combined with the need of such records for farm management purposes, make such records readily available for most producers. The almond program is a "guaranteed yield concept" (GYC) program which requires submission of production records. This requirement has not had an adverse effect on the program. The records are available. No legitimate reason exists for failure to support a requested yield guarantee by furnishing production records.

If the sole reason for unwillingness to submit records of production lies in the fact that such submission will result in a

lower than otherwise obtainable yield guarantee for the future, then the producer is seeking to be overinsured in relation to his proven capability. While past performance is not an absolute guarantee of future yield expectations, it is the best indicator which can be measured objectively.

The FCIC would be violating its public trust if it were not to use the best system possible to establish yield guarantees which fairly reflect yield expectations. Considering the administrative changes to procedure which are to be implemented, the objections to the APH program raised in the comments have been fully and fairly considered and are regarded as an insufficient basis for reversal of previous proposed regulations.

FCIC, in response to requests from the producers and the participating insurance industry, has taken administrative action to ease the burden of keeping the required records and to address problems in program administration. These actions were taken with regard to all crops which are not under an GYC–APH principle of insurance.

For those crops with GYC–APH based yield guarantees, the action to provide more time for submission of records is not a viable consideration.

The crop programs with GYC–APH based yield guarantees, including the provisions herein contained, were excluded from the provision allowing an extended time for the submission of records provided for other crop programs because the marketing period is generally much shorter and it is easier for producers to obtain sufficient records of production in time to be used in the determination of the next succeeding crop insurance guarantee. Further, many of the GYC–APH crops are produced on perennials and the yields of such crops tend to vary by the age of planting to an extent that inclusion of the most recent year's production data is necessary to the establishment of yield guarantees which fairly reflect production expectations.

Arguments against the proposed unit division change included: (1) Separate insurance units for widely dispersed tracts of farmland, differing topography or soil types, and differing cultural or farm management practices are necessary to maintain or build participation levels; (2) spot causes of loss like hail and flood generally damage only a relatively small portion of the total planted acreage of most farms, thus the more units allowed, the greater the protection offered; (3) the proposed unit structure would result in discrimination or unfair treatment among producers; (4) the producer is entitled to an indemnity payment under the crop insurance program when he suffers a loss on a portion of his planted acreage even when overall yields are normal; and (5) expected reductions in participation would result in increased adverse selection. Many agreed that the current unit structure is less than satisfactory, but argued that FCIC should delay implementation of the proposed rule to provide time for further study and analysis of alternative approaches.

FCIC has determined to retain the present unit structure and institute further studies which are to be presented to the Board of Directors for consideration at the first meeting of the Board after February 1, 1986.

It is the objective of the FCIC to provide producers of agricultural commodities a program of insurance with an insurance unit structure which:

—Provides a disaster protection plan of insurance which meets the needs of producers at the lowest possible cost per acre.
—Minimizes the potential for fraud and abuse.
—Reduces the administrative costs of FCIC and writing companies.
—Minimizes the burden upon producers.
—Improves the actuarial soundness of the program.
—Simplifies and standardizes the unit definition for all programs.

The Board of Directors has discussed the unit definition issue on several occasions over the past three years.

The current standard insurance policy language defines "unit" as:

"Unit" means all insurable acreage of (name of crop) in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the (name of crop) on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your county service office.

As a matter of usual practice, units are often divided beyond that allowed by the policy unit definition to permit separate units by section or ASCS farm serial number. This is intended to be permitted only when verifiable records of production on such a basis exist.

The more insurance units allowed on a single contract, the higher the potential for fraud and abuse, the higher the costs of administration, and the larger the likelihood of legitimate loss.

The FCIC Board of Directors has been increasingly concerned about the high loss ratios (about 150%) experienced by the Corporation in the 1980–1984 period. It has refused to order a major premium rate increase because of its belief that normal weather and sound program design will prove the existing rates adequate over the long term. The Board has chosen a course of action to reduce adverse selection, lessen the potential for fraud and abuse, and improve the equitability of the insurance offer between options and areas of operation.

The Board believes that these actions are preferable to the alternative of major increases in premiums to producers.

The level of program participation by potential insureds is of great interest to the FCIC. The potential users of the program, the farmers of this nation, have a clear need for the protection offered. Higher levels of participation are desired because such expanded use of a crop insurance as a risk management tool can reduce the adverse economic impacts of crop failure on not only individual producers but the state and community in which they live. Crop insurance as a device to offer disaster assistance to farmers is much preferred to the alternative programs offered in the past in terms of equitability and cost to the public. Further, higher levels of participation tend to remove adverse selection which continues to be a problem of program administration.

There is an apparent need to modify the insurance unit determination practices of the past. Most of the comments received recommended delay and further study of the issues relating to insurance unit definition and that recommendation is accepted as being in the best interests of the program at this time. The management of FCIC has been directed to present the results of further study to the Board of Directors at its first meeting after February 1, 1986. Interested parties are requested to offer input or comments to the Board. Any proposal presented during the requested timeframe should not only consider the impact upon program participation but also have a positive impact upon the actuarial soundness of the programs and the costs and burden of administration.

The most significant objection raised in the comment period was the opinion that significant adverse perception of the previously proposed change would lead to large numbers of cancellations by insured producers. The FCIC determination to permit the continued use of guidelines allowing further unit

division will encourage continued growth in the program without undue risk of higher than normal cancellations.

These actions respond positively to the marketing-related concerns expressed regarding the previously proposed changes to the insurance regulations. They should have minimal adverse impact upon the attractiveness of the insurance offer and thus little negative impact upon participation rates.

Therefore, with the exception of minor changes in language and format, the proposed rule, amended as outlined above, is hereby adopted as a final rule.

List of Subjects in 7 CFR Part 439

Crop insurance, Almonds.

Final rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Almond Crop Insurance Regulations (7 CFR Part 439), effective for the 1986 and succeeding crop years, to read as follows:

PART 439—ALMOND CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1986 and Succeeding Crop Years

Sec.

439.1 Availability of almond crop insurance.
439.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
439.3 OMB control numbers.
439.4 Creditors.
439.5 Good faith reliance on misrepresentation.
439.6 The contract.
439.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

§ 439.1 Availability of Almond crop insurance.

Insurance shall be offered under the provisions of this subpart on almonds in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 439.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for almonds which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 439.3 OMB control numbers.

The OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

§ 439.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 439.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the Almond insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action of advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Applications for relief under this section must be submitted to the Corporation in writing.

§ 439.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the almond crop as provided in the policy. The contract shall consist of the application, the policy and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 439.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the almond crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1986 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of an almond contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1986 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR § 400.37, § 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Almond Insurance Policy for the 1986 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Almond Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted

Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Wildlife;

(4) Earthquake;

(5) Volcanic eruption;

(6) Direct Mediterranean Fruit Fly damage; or

(7) Failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(4).

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement or wrongdoing of you, any member of your household, your tenants, or employees;

(2) The failure to follow recognized good almond farming practices;

(3) The impoundment of water by any governmental, public, or private dam or reservoir project;

(4) The failure to carry out a good almond irrigation practice;

(5) The failure or breakdown of irrigation equipment or facilities; or

(6) Any cause not specified in section la as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be almonds which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be almonds grown on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured almonds at the time insurance attaches.

d. We do not insure any acreage:

(1) Which is not irrigated; or

(2) On which the trees have not reached the seventh growing season after being set out unless we agree in writing to insure such acreage.

e. Insurance may attach only by written agreement with us on any acreage with less than 90 percent of a stand, based on the original planting pattern.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, share, and practice.

You must report on our form:

a. All the acreage of almonds in the county in which you have a share;

b. The practice; and

c. Your share at the time insurance attaches.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any almonds grown in the county. This report must be submitted annually on or before December 31. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting application for the crop year as established by the actuarial table.

5. Annual Premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the almond policy in effect for the 1985 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1990 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;

(4) Once the loss ratio exceeds. 80, no further premium reduction will apply; and

(5) Participation must be continuous.

6. Deduction for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches for each crop year on December 11 and ends at the earliest of:

a. Total destruction of the almonds;

b. Harvest of the almonds;

c. Final adjustment of a loss; or

d. November 30.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if during the period before harvest, the almonds on any unit are damaged and you decide not to further care for or harvest any part of them.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined or if damage occurs during harvest, immediate notice must be given.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 10 days after the earliest of:

(a) Total destruction of the almonds on the unit;

(b) Harvest of the unit; or

(c) November 30.

b. You must obtain written consent from us before you destroy any of the almonds which are not to be harvested.

c. We may reject any claim for indemnity if you fail to comply with any of the requirements of this section or section 9.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the almonds on the unit;

(2) Harvest of the unit; or

(3) November 30.

b. We will not pay any indemnity unless you:

(1) Establish the total production of almonds on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance periods; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Substracting therefrom the total production of almonds to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported, but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

e. The total production (meat pounds) to be counted for a unit will include all harvested and appraised production

(1) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good almond farming practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause or destroyed by you without our consent; and

(c) Any appraised production on unharvested acreage.

(2) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production:

(a) Is marketed; or

(b) Is further damaged by an insured cause and reappraised by us.

(3) Almonds which cannot be marketed due to insurable causes will not be considered production.

(4) If you elect to exclude hail and fire as insured causes of loss and the almonds are damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

f. You must not abandon any acreage to us.

g. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

h. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semiannually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the persons determined to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all almonds produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in cancellation of the contract prior to the crop year to which the records apply, assignment of production to units by us, or a determination that no indemnity is due. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. Prior to the cancellation date you must:

(1) Furnish to the Corporation, satisfactory production records for the previous crop year or the contract will be cancelled for the subsequent crop year; or

(2) Show to our satisfaction that the records are not available because of conditions beyond your control, such as fire, flood or other natural disaster, (If this subsection (2) applies, the Field Actuarial Office may assign a yield for the year for which the records are unavailable).

d. This contract will terminate as to any crop year if any amount due us on this or any contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date both such other payment and setoff are approved.

e. The cancellation and termination dates are December 31.

f. If you die or are judicially declared incompentent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for 5 consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by August 31 preceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of almond crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding almond insurance in the county.

b. "Continguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way will be considered contiguous.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county as shown by the actuarial table.

d. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and will be designated by the calendar year in which the almonds are normally harvested.

e. "Direct Mediterranean Fruit Fly damage" means the actual physical damage to the almonds which causes such almonds to be considered unmarketable and will not include unmarketability of such almonds as a result of a quarantine, boycott or refusal to accept the almonds by any entity without regard to the actual physical damage to such almonds.

f. "Harvest" means the removal of the almonds from the orchard.

g. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

h. "Insured" means the person who submitted the application accepted by us.

i. "Loss ratio" means the ratio of idemnity to premium.

j. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Tenant" means a person who rents land from another person for a share of the almonds or a share of the proceeds therefrom.

m. "Total meat pounds" means the total pounds of good almond meats (both loosed whole and chipped meats, and inshell meats) as determined by us. Unshelled almonds will be converted to meat pounds.

n. "Unit" means all insurable acreage of almonds in the county which is located on contiguous land on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the almonds on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, DC, on October 21, 1985.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 85-25723 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 446

[Docket No. 2798S]

Walnut Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Walnut Crop Insurance Regulations (7 CFR Part 446), effective for the 1986 and succeeding crop years. The intended effect of this rule is to: (1) Change to a mandatory "Actual Production History" (APH) basis by removing the Premium Adjustment Table and providing for cancellation for not furnishing records; (2) change the method of computing indemnities when acreage, share, or practice is underreported; (3) limit the insured's share of an indemnity on crops sold before harvest; (4) shorten the length of time an insured has to give notice when claiming an indemnity; and (5) add a definition for the term "Loss ratio." The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: November 1, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is July 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined and certifies that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Since policy changes must be on file by October 31, 1985, good cause is shown for making this rule effective in less than 30 days.

Other than minor changes in language and format, the principal changes in the walnut policy are:

1. *Section 2.*—Add a clause to change the method of calculating the insured's share of an indemnity on crops sold before harvest. This limits the insured's indemnity to his interest in the crop at the time of loss.

2. *Section 5.*—Remove the Premium Adjustment Table. The crop will be insured on an actual production history (APH) basis. Coverages will, therefore, reflect the actual production history of the crop on the unit.

Remove the provisions for the transfer of insurance experience and for premium computation when insurance has not been continuous. Deletion of the Premium Adjustment Table eliminates the need for these provisions.

3. *Section 8.*—Shorten from 30 days to 10 days the time an insured has to give notice of loss when claiming an indemnity. This change will allow FCIC to determine indemnities in a more timely fashion.

4. *Section 9.*—When acres are underreported, the production from all acres will be applied against the report acres in calculating the indemnities. This change will reduce the complexity of calculations.

5. *Section 15.*—Add a clause to cancel the contract if production history is not furnished by the cancellation date. An exception will be allowed if the insured can show, prior to the cancellation date, that records are unavailable due to conditions beyond the insured's control. This clause is required by the change to mandatory APH.

6. *Section 17.*—Add a definition for the term "Loss ratio" to clarify its use in section 5.

On Wednesday, August 21, 1985, FCIC published a notice of proposed rulemaking in the **Federal Register** at 50 FR 33744, to revise and reissue the Walnut Crop Insurance Regulations (7 CFR Part 446), effective for the 1986 and succeeding crop years. The public was given 30 days in which to submit written comments on the proposed rule.

No comments were received in direct response to the proposed rule. However, on September 4–5, 1985, the Board of Directors, FCIC held informal meetings in Hearing Room B, Interstate Commerce Commission Building, Washington, DC, for the purpose of receiving comments from interested parties on the Actual Production History (APH) method of insurance and on the proposal to restrict unit division by removing unit division guidelines from policies. Those concepts were included in the proposed rule.

The APH concept of yield guarantees establishes a direct relationship between proven production capability of the individual insured producer, and the insurance guarantee or the premium rates. It requires the insured producer to submit annual records of insured production as a condition of continued insurability. The determination to eliminate applicable unit division guidelines restricts unit division to include all the insurable crop grown within a county with no allowance for further division beyond those contained in the crop insurance policies.

Comments on the proposed regulations were received from six representatives of the private insurance industry, one member of Congress, fifteen insurance agents, four representatives of special interest groups, and five farmers.

The comments generally opposed: (1) The proposed requirement that insureds furnish annual records of insured production as a condition of continued insurability under the APH program for the establishment of yield guarantees; and (2) the proposed change to the insurance unit definition which would delete the guidelines filed at county service offices.

Those in opposition to the proposed regulations generally argued that they would decrease the marketability of crop insurance by making the resulting insurance offer less attractive to potential purchasers. Many predicted a substantial level of cancellation by current contract holders if the proposed regulations became effective.

Argument against the proposed requirement for records submission as a condition of continued insurance eligibility included: (1) Many farmers would not be willing to furnish records establishing annual production unless they have a loss and a potential indemnity; (2) an economic incentive like a reduced future yield guarantee is preferable to cancellation; and (3) the APH system as a whole is cumbersome, complex, and more difficult to administer than an area coverage plan.

Many commentators recommended that FCIC develop a plan to offer reduced insurance guarantees when a producer failed to voluntarily furnish records. Most comments supported the APH concept as a means of making an equitable insurance offer to the better producers of an area; however, many of the same group requested simplification of program procedures. Several comments recommended the establishment of a new method to reduce the impact of severe loss years upon yield guarantees for the future. A few comments recommended a return to an area coverage program as a means of retaining the participation of those whose recent production has not equaled former area coverage guarantees.

The comments received were fully considered in the course of arriving at the decision modifying the proposed rule.

The rationale for the initial adoption of the APH concept was to correct the problem of adverse selection inherent in the previous area coverage plans of insurance. Adverse selection occurs when the best insurance offer is made to the highest risk producer and the poorest insurance offer is made to the lowest risk producer. It is characterized by having insured clients with higher than average risk expectations without commensurate higher premium rates. Adverse selection results in higher than expected losses and ultimately in higher premium rates and thus, over the long term, severely limits participation levels.

Adverse selection is best addressed by establishing a direct relationship between proven production capability of individual producers and their insurance guarantee and premium rates. The APH program accomplishes this objective.

Records of production are basic to a yield protection program of insurance. There is no logical alternative to requiring records if such a program is to succeed over an extended period of time. The APH concept, linking records to guarantees, is clearly preferable to any extension of the area coverage concept under any disguise. The latter can only lead to further aggravation of adverse selection. The ultimate result is the program serving only the lowest producing farmers on the highest risk land.

The premise that farmers will choose to cancel insurance participation in preference to furishing annual records of production after the close of harvest or marketing season is rejected. The need to have such records of production for other business purposes, including for share rent settlement purposes, for financial statements in the event of the use of borrowed funds for operations, and for the submission of income tax returns, combined with the need of such records for farm management purposes, make such records readily available for most producers. The walnut program is a "guaranteed yield concept" (GYC) program which requires submission of production records. This requirement has not had an adverse effect on the program. The records area available. No legitimate reason exists for failure to support a requested yield guarantee by furnishing production records.

If the sole reason for unwillingness to submit records of production lies in the fact that such submission will result in a lower than otherwise obtainable yield guarantee for the future, then the producer is seeking to be overinsured in relation to his proven capability. While past performance is not an absolute guarantee of future yield expectations, it is the best indicator which can be measured objectively.

The FCIC would be violating its public trust if it were not to use the best system possible to establish yield guarantees which fairly reflect yield expectations. Considering the administrative changes to procedure which are to be implemented, the objections to the APH program raised in the comments have been fully and fairly considered and are regarded as an insufficient basis for reversal of previous proposed regulations.

FCIC, in response to requests from the producers and the participating insurance industry, has taken administrative action to ease the burden of keeping the required records and to address problems in program administration. These actions were taken with regard to all crops which are not under a GYC–APH principle of insurance.

For those crops with GYC–APH based yield guarantees, the action to provide more time for submission of records is not viable consideration.

The crop programs with GYC–APH based yield guarantees, including the provisions herein contained, were excluded from the provision allowing an extended time for the submission of records provided for other crop programs because the marketing period is generally much shorter and it is easier

for producers to obtain sufficient records of production in time to be used in the determination of the next succeeding crop insurance guarantee. Further, many of the GYC–APH crops are produced on perennials and the yields of such crops tend to vary by the age of planting to an extent that inclusion of the most recent year's production data is necessary to the establishment of yield guarantees which fairly reflect production expectations.

Arguments against the proposed unit division change included: (1) Separate insurance units for widely dispersed tracts of farmland, differing topography or soil types, and differing cultural or farm management practices are necessary to maintain or build participation levels; (2) spot causes of loss like hail and flood generally damage only a relatively small portion of the total planted acreage of most farms, thus the more units allowed, the greater the protection offered; (3) the proposed unit structure would result in discrimination or unfair treatment among producers; (4) the producer is entitled to an indemnity payment under the crop insurance program when he suffers a loss on a portion of his planted acreage even when overall yields are normal; and (5) expected reductions in participation would result in increased adverse selection. Many agreed that the current unit structure is less than satisfactory, but argued that FCIC should delay implementation of the proposed rule to provide time for further study and analysis of alternative approaches.

FCIC has determined to retain the present unit structure and institute further studies which are to be presented to the Board of Directors for consideration at the first meeting of the Board after February 1, 1986.

It is the objective of the FCIC to provide producers of agricultural commodities a program of insurance with an insurance unit structure which:

—Provides a disaster protection plan of insurance which meets the needs of producers at the lowest possible cost per acre.
—Minimizes the potential for fraud and abuse.
—Reduces the administrative costs of FCIC and writing companies.
—Minimizes the burden upon producers.
—Improves the actuarial soundness of the program.
—Simplifies and standardizes the unit definition for all programs.

The Board of Directors has discussed the unit defintion issue on several occasions over the past three years.

The current standard insurance policy language defines "unit" as: "Unit" means all insurable acreage of (name of crop) in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the (name of crop) on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your county service office.

As a matter of usual practice, units are often divided beyond that allowed by the policy unit definition to permit separate units by section or ASCS farm serial number. This is intended to be permitted only when verifiable records of production on such basis exist.

The more insurance units allowed on a single contract, the higher the potential for fraud and abuse, the higher the costs of administration, and the larger the likelihood of legitimate loss.

The FCIC Board of Directors has been increasingly concerned about the high loss ratios (about 150%) experienced by the Corporation in the 1980–1984 period. It has refused to order a major premium rate increase because of its belief that normal weather and sound program design will prove the existing rates adequate over the long term. The Board has chosen a course of action to reduce adverse selection, lessen the potential for fraud and abuse, and improve the equitability of the insurance offer between options and areas of operation.

The Board believes that these actions are preferable to the alternative of major increases in premiums to producers.

The level of program participation by potential insureds is of great interest to the FCIC. The potential users of the program, the farmers of this nation, have a clear need for the protection offered. Higher levels of participation are desired because such expanded use of a crop insurance as a risk management tool can reduce the adverse economic impacts of crop failure on not only individual producers but the state and community in which they live. Crop insurance as a device to offer disaster assistance to farmers is much preferred to the alternative programs offered in the past in terms of equitability and cost to the public. Further, higher levels of participation tend to remove adverse selection which continues to be a problem of program administration.

There is an apparent need to modify the insurance unit determination practices of the past. Most of the comments received recommended delay and further study of the issues relating to insurance unit definition and that recommendation is accepted as being in the best interests of the program at this time. The management of FCIC has been directed to present the results of further study to the Board of Directors at its first meeting after February 1, 1986, Interested parties are requested to offer input or comments to the Board. Any proposal presented during the requested timeframe should not only consider the impact upon program participation but also have a positive impact upon the actuarial soundness of the programs and the costs and burden of administration.

The most significant objection raised in the comment period was the opinion that significant adverse perception of the previously proposed change would lead to large numbers of cancellations by insured producers. The FCIC determination to permit the continued use of guidelines allowing further unit division will encourage continued growth in the program without undue risk of higher than normal cancellations.

These actions respond positively to the marketing-related concerns expressed regarding the previously proposed changes to the insurance regulations. They should have minimal adverse impact upon the attractiveness of the insurance offer and thus little negative impact upon participation rates.

With the exception of minor changes in language and format, the proposed rule, amended as outlined above, is hereby adopted.

List of Subjects in 7 CFR Part 446

Crop Insurance, Walnut.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Walnut Crop Insurance Regulations (7 CFR Part 446), effective for the 1986 and succeeding crop years, to read as follows:

PART 446—WALNUT CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1986 and Succeeding Crop Years

Sec.

446.1 Availability of walnut crop insurance.
446.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
446.3 OMB control numbers.
446.4 Creditors.

Sec.

446.5 Good faith reliance on misrepresentation.
446.6 The contract.
446.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1986 and Succeeding Crop Years

§ 446.1 Availability of walnut crop insurance.

Insurance shall be offered under the provisions of this subpart on walnuts in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 446.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for walnuts which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 446.3 OMB control numbers.

The OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

§ 446.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 446.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the walnut insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00 finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Application for relief under this section must be submitted to the Corporation in writing.

§ 446.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the walnut crop as provided in the policy. The contract shall consist of the application, the policy, and the county acturial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 446.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the walnut crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in polices issued under FCIC regulations for the 1986 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a walnut contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1986 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Walnut Insurance Policy for the 1986 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Walnut Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of Loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;
(2) Fire;
(3) Wildlife;
(4) Earthquake;
(5) Volcanic eruption;
(6) Direct Mediterranean Fruit Fly damage; or
(7) If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(3).

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants or employees;
(2) The failure to follow recognized good walnut farming practices;
(3) The impoundment of water by any governmental, public or private dam or reservoir project;
(4) The failure to carry out a good walnut irrigation practice;
(5) The failure or breakdown of irrigation equipment or facilities; or
(6) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be English walnuts (excluding black walnuts) hereafter called "walnuts" which are grown on insured acreage and for which a guarantee and

premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be walnuts grown on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured walnuts at the time insurance attaches. However, for the purpose of determining the amount of indemnity, your share will not exceed your share on the earlier of:

(1) The time of loss; or

(2) The beginning of harvest.

d. We do not insure any acreage:

(1) On which the trees have not reached the ninth growing season after being set out, unless we agree, in writing, to insure such acreage; or

(2) Planted with a crop other than walnuts.

e. If insurance is provided for an irrigated practice you must report as irrigated only the acreage for which you have adequate facilities and water, at the time insurance attaches, to carry out a good walnut irrigation practice.

f. Insurance may attach only by written agreement with us on any unit which consists of less than 5 acres of insurable walnut trees.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, share, and practice.

You must report on our form:

a. All the acreage of walnuts in the county in which you have a share;

b. The practice; and

c. Your share on the date insurance attaches.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any walnuts grown in the county. This report must be submitted annually on or before March 1. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by March 1, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. If the number of bearing trees (ninth growing season and older) is reduced more than 10 percent from the preceding calendar year as a result of damage occurring within that year, the production guarantee will be reduced 1 percent for each percent reduction in excess of 10 percent.

c. Coverage level 2 will apply if you do not elect a coverage level.

d. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches for each crop year on March 1 and ends at the earliest of:

a. Total destruction of the walnuts;

b. Harvest of the walnuts;

c. Final adjustment of a loss; or

d. November 15.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if, during the period before harvest, the walnuts on any unit are damaged and you decide not to further care for them.

(2) You must give us notice of probable loss at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined or if damage occurs during harvest, immediate notice must be given.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 10 days after the earliest of:

(a) total destruction of the walnuts on the unit;

(b) harvest of the unit; or

(c) November 15 of the crop year.

b. You must obtain written consent from us before you destroy any of the walnuts which are not to be harvested.

c. We may reject any claim for indemnity if you fail to comply with any of the requirements of this section or section 9.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the walnuts on the unit;

(2) Harvest of the unit; or

(3) November 15 of the crop year.

b. We will not pay any indemnity unless you:

(1) Establish the total production of walnuts on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of walnuts to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported, but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

e. The total production (pounds) to be counted for a unit will include all harvested and appraised production.

(1) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good walnut farming practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause or destroyed by you without our prior written consent; and

(c) Any appraised production on unharvested acreage.

(2) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production is:

(a) Marketed; or

(b) Further damaged by an insured cause and reappraised by us.

(3) If you elect to exclude hail and fire as insured causes of loss and the walnuts are damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

f. You must not abandon any acreage to us.

g. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

h. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** on or about January 1 and July 1 of each year. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the

person determined to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance form this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all walnuts produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in cancellation of the contract prior to the crop year to which the records apply, assignment of production to units by us, or a determination that no indemnity is due. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. Prior to the cancellation date you must:

(1) Furnish to us, satisfactory production records for the crop year or the contract will be cancelled for the next crop year; or

(2) Show to our satifaction that the records are not available because of conditions beyond your control, such as fire, flood or other natural disaster, (If this subseciton (2) applies, the Field Actuarial Office may assign a yield for the year for which the records are unavailable).

d. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date both such other payment and setoff are approved.

e. The cancellation and termination dates are January 31.

f. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for 5 consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by October 31 preceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of walnut crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding walnut insurance in the county.

b. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way will be considered contiguous.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

d. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and will be designated by the calendar year in which the walnuts are normally harvested.

e. "Direct Mediterranean Fruit Fly damage" means the actual physical damage to the walnuts which causes such walnuts to be considered unmarketable and will not include unmarketability of such walnuts as a direct result of a quarantine, boycott or refusal to accept the walnuts by any entity without regard to actual physical damage to such walnuts.

f. "Harvest" means removal of the walnuts from the orchard.

g. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

h. "Insured" means the person who submitted the application accepted by us.

i. "Loss ratio" means the ratio of indemnity to premium.

j. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Tenant" means a person who rents land from another person for a share of the walnuts or a share of the proceeds therefrom.

m. "Unit" means all insurable acreage of walnuts in the county located on contiguous land on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the walnuts on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditons are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, DC on September 23, 1985.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

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BILLING CODE 3410-08-M

Foreign Agricultural Service

7 CFR Part 1540

Emergency Relief From Certain Perishable Products Imported From Israel

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes the procedure by which an entity representative of a U.S. industry producing perishable products can submit a request to the Department of Agriculture for emergency relief from increased, injurious imports of certain perishable products from Israel if such products are entering the United States at a reduced rate of duty or duty-free pursuant to a trade agreement between the United States and Israel entered into under section 102(b) of the Trade Act of 1974, as amended by Section 401 of the Trade and Tariff Act of 1984.

DATE: This rule shall be effective on November 29, 1985.

FOR FURTHER INFORMATION CONTACT: Lyle Sebranek, Director, Asia, Africa & Eastern Europe Division, International Trade Policy, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, Tel: (202) 382-1289.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major" since it would not have any of the effects specified in those documents.

The Administrator, Foreign Agricultural Service certifies that this final rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

An assessment of the impact of this rule on the environment was made and, based on this evaluation, this action is not a major federal action and will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this final rule. The environmental assessment is available for review in Room 5546, South Building, USDA during normal business hours.

The paperwork requirements imposed by this rule have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 and assigned number 0551-0023.

Section 401 of the Trade and Tariff Act of 1984, Pub. L. 98-573 (98 Stat. 3016) ("1984 Trade Act") amended the Trade Act of 1974 to authorize the President to negotiate a trade agreement with Israel to provide for the reduction or elimination of duties on imports between the two countries. Pursuant to that authority, the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the "Agreement") was entered into on April 29, 1985. The Agreement was subsequently approved and implemented by the United States-Israel Free Trade Area Implementation Act of 1985, Pub. L. 99-47, June 11, 1985. The Agreement entered into force on August 19, 1985.

Section 404 of the 1984 Trade Act, as amended (19 U.S.C. 2112 note), provides, in part, that if a petition is filed with the U.S. International Trade Commission under the provisions of section 201 of the Trade Act of 1974, as amended, alleging injury from imports from Israel of certain perishable products which are subject to a reduction or elimination of a duty granted by the United States under a trade agreement entered into with Israel under section 102(b) of the Trade Act of 1974, as amended by Section 401 of the 1984 Trade Act, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted by the President. If the Secretary determines that emergency action is warranted and so advises the President, the President shall withdraw the reduction or elimination of duty provided to the perishable product under the Agreement or publish a notice of the determination not to take emergency action.

Under this final rule, a U.S. entity seeking emergency relief from imports of certain perishable products from Israel would submit a request to the Administrator, Foreign Agricultural Service, of the Department of Agriculture providing such information as is necessary to permit the Secretary of Agriculture to make a determination as to whether a recommendation should be made to the President that emergency action should be taken. The request should provide identification of the perishable product concerned, evidence that the product was imported from Israel, evidence that increased imports of such perishable product are the substantial cause of serious injury, or threat of serious injury, to a U.S. industry producing a perishable product like or directly competitive with the imported product, and a statement indicating why emergency action would be warranted.

Section 404(e)(6) of the 1984 Trade Act, as amended, defines a "perishable product" for the purposes of the emergency relief provisions of section 404 to include concentrated citrus fruit juice provided for in items 165.25 and 165.35 of the Tariff Schedules of the United States (the "TSUS"). However, section 117 of that act reclassified the articles previously assigned TSUS item number 165.35 by splitting those articles into two categories and assigning them TSUS item numbers 165.29 and 165.36. The definition of a perishable product in section 1540.21(6) of the final rule reflects this change in classification.

Discussion of Comments

A proposed rule entitled "Emergency Relief from Certain Perishable Products Imported from Israel" was published in the **Federal Register** on July 29, 1985 (50 FR 30716). Four written comments were received in response to the proposed rule and they are available for public inspection. All of the comments were considered in preparing the final rule.

Two comments were received which were in favor of the rule.

A third comment suggested that the scope of products covered by the rule be expanded to include cheese, other perishable dairy products, still wines and processed tomato products. However, the perishable products listed in the proposed rule as being eligible for emergency relief from imports from Israel were specified in Section 404(e) of the 1984 Trade Act, as amended (19 U.S.C. 2112 note). The Department has no authority to expand or contract the

specific product coverage mandated by the Congress.

The fourth comment received included several suggestions. One suggestion was that § 1540.23 of the proposed rule should be changed to delete the requirement that a petitioner, to the extent possible, submit data to the Department concerning imports during a previous representative period of time of the perishable product which is the subject of a request for emergency action. This suggestion has not been adopted because, given the short time limit within which the Secretary must reach a determination concerning a request for emergency action, such information, if submitted by a petitioner, would greatly assist the Secretary in determining whether emergency action is warranted. Information concerning imports of the perishable product from Israel during a previous representative period would indicate, among other things, whether imports of the perishable product from Israel have increased. The rule states that such information be provided, to the extent possible. Accordingly, a petition for emergency action will not be rejected simply because it does not contain all of the information requested in § 1540.23.

Another suggestion was that the Department supplement data provided by a petitioner with information available to the Department through its own research and through consultations with other agencies, such as the U.S. Customs Service, and make such data a part of the record upon which the Secretary's determination is made. In evaluating requests for emergency action under the rule, the Department intends to utilize all information available, including consultation(s) with other government agencies, and will make any nonconfidential information part of the investigatory record.

A third suggestion was that the proposed rule be changed to provide that the Secretary, in order to determine that emergency action is warranted, need only determine that imports of the perishable product from Israel are a cause of injury, or the threat thereof, to a domestic industry producing a like or directly competitive product.

It has been determined not to amend § 1540.24 of the rule as suggested. Section 1540.24 of the proposed rule provides that imports of the perishable product from Israel must be a substantial cause of serious injury, or the threat thereof, to the domestic industry. The "substantial cause of serious injury" requirement is provided in section 404(b) of the 1984 Trade Act. There is no authority for the Secretary to recommend emergency action on the basis of any finding of causation that is less than a "substantial cause".

A fourth suggestion was that the rule provide some objective standards or concrete examples which would indicate the circumstances under which emergency relief would be deemed to be warranted. This suggestion has not been adopted. Because of changing economic conditions and the variety of perishable products and domestic industries covered by the rule, it is not possible to determine in advance the various circumstances under which emergency action would be warranted.

The final suggestion was that, should the Secretary decide not to recommend that the President take emergency action, then both such decision and the reasons for such decision should be published in the **Federal Register**. Section 1540.24 of the proposed rule provides that if the Secretary determines not to recommend the imposition of emergency action, the Secretary shall publish a notice of such determination and will so advise the petitioner within 14 days after the filing of the petition. To the extent practicable, such notice will contain the main reasons for the Secretary's determination.

Accordingly, the final rule incorporates no changes in the language of the proposed rule. The Department will, of course, consider any appropriate changes to this rule if its experience under this rule indicates the need for such change.

List of Subjects in 7 CFR Part 1540

International agricultural trade, Imports, Israel, Perishable products reporting and recordkeeping requirements.

In accordance with the above, 7 CFR Chapter XV, Part 1540 is amended as set forth below.

1. The authority citation for Part 1540 is revised to read as follows:

Authority: Sec. 213(f), Pub. L. 98–67, 97 Stat. 391 (19 U.S.C. 2703(f)); 5 U.S.C. 301; sec. 404, Pub. L. 98–573, 98 Stat. 3016, as amended (19 U.S.C. 2112 note); 5 U.S.C. 301.

2. Part 1540 is amended by adding new subpart B to read as follows:

PART 1540—[AMENDED]

Subpart B—Emergency Relief From Certain Perishable Products Imported From Israel

Sec.

1540.20 Applicability of subpart.
1540.21 Definition.
1540.22 Who may file request.
1540.23 Contents of request.
1540.24 Determination of the Secretary of Agriculture.
1540.25 Information.
1540.26 Paperwork Reduction Act assigned number.

§ 1540.20 Applicability of subpart.

This subpart applies to requests filed with the Department of Agriculture under section 404 of the Trade and Tariff Act of 1984, Pub. L. 98–573, for emergency relief from imports of certain perishable products from Israel entering the United States at a reduced rate of duty or duty-free pursuant to a trade agreement between the United States and Israel entered into under section 102(b)(1) of the Trade Act of 1974, as amended.

§ 1540.21 Definition.

"Perishable product" means:

(a) Live plants provided for in subpart A of part 6 of schedule 1 of the 1985 Tariff Schedules of the United States (the "TSUS");

(b) Fresh or chilled vegetables provided for in items 135.03 through 138.46 of the TSUS;

(c) Fresh mushrooms provided for in item 144.10 of the TSUS;

(d) Fresh fruits provided for in items 146.10, 146.20, 146.30, 146.50 through 146.62, 146.90, 146.91, 147.03 through 147.44, 147.50 through 149.21 and 149.50 of the TSUS;

(e) Fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of the TSUS; and

(f) Concentrated citrus fruit juice provided for in items 165.25, 165.29 and 165.36 of the TSUS.

§ 1540.22 Who may file request.

A request under this subpart may be filed by an entity, including a firm, or group or workers, trade association, or certified or recognized union which is representative of a domestic industry producing a perishable product like or directly competitive with a perishable product that such entity claims is being imported from Israel into the United States at a reduced duty or duty-free under the provisions of a trade agreement between the United States and Israel entered into under section 102(b)(1) of the Trade Act of 1974, as amended, in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to such domestic industry.

§ 1540.23 Contents of request.

A request for emergency action under Section 404 of the Trade and Tariff Act of 1984 shall be submitted in duplicate to the Administrator, Foreign Agricultural Service, United States Department of Agriculture, Washington, DC 20250. Such request shall be

supported by appropriate information and data and shall include to the extent possible:

(a) A description of the imported perishable product(s) allegedly causing, or threatening to cause, serious injury;

(b) Data showing that the perishable product allegedly causing, or threatening to cause, serious injury is being imported from Israel in increased quantities as compared with imports of the same product from Israel during a previous representative period of time (including a statement of why the period selected by the petitioner should be considered to be representative);

(c) Evidence of serious injury or threat thereof to the domestic industry substantially caused by the increased quantities of imports of the product from Israel; and

(d) A statement indicating why emergency action would be warranted under Section 404 (including all available evidence that the injury caused by the increased quantities of imports from Israel would be relieved by the withdrawal of the reduction of the duty or elimination of the duty-free treatment provided to the product under the trade agreement). A copy of the petition and the supporting evidence filed with the United States International Trade Commission under Section 201 of the Trade Act of 1974, as amended, must be provided with the request for emergency action.

§ 1540.24 Determination of the Secretary of Agriculture.

If the Secretary of Agriculture has reason to believe that the perishable product(s) which is the subject of a petition under this subpart is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported perishable product and that emergency action is warranted, the Secretary, within 14 days after the filing of the petition under § 1540.23 shall recommend to the President that the President take emergency action. If the Secretary determines not to recommend the imposition of emergency action, the Secretary, within 14 days after the filing of the petition, will publish in the **Federal Register** a notice of such determination and will so advise the petitioner.

§ 1540.25 Information.

Persons desiring information from the Department of Agriculture regarding the Department's implementation of Section 404 of the Trade and Tariff Act of 1984 should address such inquiries to the Administrator, Foreign Agricultural Service, United States Department of Agriculture, Washington, DC 20250.

§ 1540.26 Paperwork Reduction Act assigned number.

The Office of Management and Budget has approved the information collection requirements contained in these regulations in accordance with 44 U.S.C. Chapter 25, and OMB Number 0551–0023 has been assigned.

Issued at Washington, DC this 10th day of October 1985.

Leo V. Mayer,

Acting Administrator, FAS.

[FR Doc. 85–25804 Filed 10–28–85; 8:45 am]

BILLING CODE 3410–10–M

Rural Electrification Administration

7 CFR Part 1772

[REA Bulletin 345–72]

REA Specification for Filled Splice Closures, PE–74

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by issuing a revised REA Bulletin 345–72, REA Specification for Filled Splice Closures, PE–74, to: (1) Permit two categories of reenterable splice closures, type one to have a reusable, salvageable case and encapsulant and type two needing only to be reenterable with no required salvageable parts; (2) require a closure kit containing all the parts necessary to make a complete splice enclosure; (3) specify the test requirements and parameters for both gelling and non-gelling encapsulating compounds; (4) modify the performance evaluation of the closure to include a test to assimilate the realistic possibility of a damaged cable sheath channeling water into the splice closure to determine that the closure will protect the splice if this should happen and, (5) provide detailed requirements on packaging of the closure. The revised specification will result in an improved closure for REA borrowers with minimum impact on the closure manufacturers. There may be a slight cost increase to the manufacturer because of the new packaging requirements.

EFFECTIVE DATE: October 18, 1985.

FOR FURTHER INFORMATION CONTACT: M. Wilson Magruder, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 382–8663. The Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available upon request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by incorporating by reference a revised Bulletin 345–72 (Previous issue dated May 1, 1975), REA Specification for Filled Splice Closures, PE–74. Copies of the bulletin are available upon request from the address stated above. It is also available for inspection at the Office of the Federal Register Information Center, Room 8401, 1100 L Street, NW., Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register as of October 18, 1985. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the **Federal Register.** The action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity, innovations, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.* (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment. This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the Final rule related Notice to 7 CFR Part 3015, Subpart V (48 FR 54317,

December 1, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Copies of the document are available upon request from the address indicated above.

Background

REA is revising its Specification for Filled Splice Closures which are used by REA telephone borrowers in the construction of REA-financed outside plant facilities. The specification covers the minimum requirements by REA for reenterable filled closures that are used where two or more direct buried cables or cables in manholes are connected together. The filled enclosure provides mechanical protection and environmental isolation to the splice. The present specification did not differentiate between salvageable and non-salvageable closure parts. REA is establishing two categories of reenterable splice closures: Type one having a reusable, salvageable case and encapsulant and type two being only reenterable with no required salvageable parts as a result the present confusion concerning salvageable parts should be eliminated. REA will allow the use of either type of closure in the construction of outside plant facilities financed by REA. A closure kit is required by the revised specification. In order to assure that all the necessary materials to make a complete closure will be available at the construction site REA is specifying that the closure kit include (1) fasteners, (2) the cable shield bonding hardware and, (3) the encapsulant.

REA is requiring mechanical, chemical compatibility and stability tests for both gelling and non-gelling encapsulating compounds. These tests are performed by the splice closure manufacturer in order to assure satisfactory encapsulant performance inside and outside of its splice closure. These tests will eliminate potential bias towards the use of either the gelling or non-gelling encapsulant. The closure performance evaluation was modified by REA to include a test that considers the realistic possibility of a damaged cable sheath channeling water to the splice bundle. The splice closure must demonstrate during this test that the splice is truly protected from a potentially damaging environment.

Closure identification consisting of the manufacturer's name or trademark and closure design nomenclature have been required in order to permit quick recognition of the closure design and the manufacturer. Inclusion of assembly instructions will prevent mistakes in case assembly and in encapsulant application which could lead to splice failure.

REA has deleted the requirement that the package for filled splice closure kits be marked *"NOT FOR USE IN MANHOLES"* in the event any materials from the case or encapsulant are not compatible with fuel oil. In addition, only those closure materials from both the case and encapsulant that are compatible with fuel oil will be accepted for use in manholes by REA for use in the construction of REA-financed outside plant facilities. It is REA's intent to establish a separate category for those filled buried closures that are compatible with fuel oil and meet all other requirements.

This REA specification will result in a better defined and improved closure product for use by REA borrowers. This specification may result in slightly increased production costs to closure manufacturers and purchase costs to REA borrowers as a result of requiring the insertion of the assembly instructions in each closure package and identification of each closure, however, REA believes that these costs should be offset by convenience, quality and assistance to REA borrowers.

A Notice of Proposed Rulemaking was published in the **Federal Register** on November 20, 1984, Volume 49, No. 225 page 45753. One party commented on this proposal. The comment was as follows:

1. The requirement for a complete splice closure package, which would include the case, the encapsulant and shield bonding hardware in a single package, will add cost because special packaging will be necessary for the REA-financed market;

2. The criteria for hardness following thermal aging was too stringent; and

3. The chemical stability evaluation should be conducted on the assembled enclosure unit.

REA's response to the comments is summarized as follows:

1. REA believes that definite advantages result from collecting together guaranteed compatible materials into a single package. Requiring the REA borrower to stock individual items introduces risks such as parts incompatibility, individual item stock depletion and incomplete closure assembly. Since these risks outweigh what REA believes to be a slight additional cost of individual packaged kits, REA will require the packaging requirement.

2. A review of data from the manufacturer's tests by REA for both hardness and weight change following thermal aging revealed that the requirements for these two properties were too stringent. The required hardness value has been changed to allow a full 35 percent difference from the initial measurement to final aging. Comparisons of values between aging environments has been changed to allow 15 percentage points for weight and 35 percentage points for hardness.

3. Chemical stability evaluations for the assembled enclosure unit will remain unaltered. Since the case is a first line of defense against a hostile environment, the case must be tested. The encapsulant should never be exposed to environments outside the case, but realistically, this second line of defense could be exposed to both soil chemicals and industrial pollutants if the case fails. If the encapsulant is present then the enclosure vendor assumes that the case may fail. The enclosure components must be evaluated after exposure to chemical reagents delineated in the specification.

List of Subjects in 7 CFR Part 1772

Loan programs—communications, Incorporation by reference, Telecommunications, Telephone.

PART 1772—[AMENDED]

In view of the above, REA hereby amends 7 CFR Part 1772 as follows:

1. The authority citation for Part 1772 continues to read as follows:

Authority: 7 U.S.C. 901 et seq., 7 U.S.C. 1921 et seq.

2. Section 1772.97 is amended by revising the entry for Bulletin 345–72 in the table as follows:

§ 1772.97 Incorporation by Reference of Telephone Standards and Specifications.

REA Bulletin No.	Specification No.	Date last issued	Title of standard or specification
345-72	PE-74	Oct. 1985	REA specification for filled splice closures.

Dated: October 18, 1985.

Harold V. Hunter,

Administrator.

[FR Doc. 85-25622 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-15-M

Farmers Home Administration

7 CFR Part 1940

Methodology and Formulas for Allocation of Loan and Grant Program Funds; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: The Farmers Home Administration (FmHA) corrects a final rule published June 10, 1985, [50 FR 24178]. In the implementation of the new regulation regarding the allocation of loan and grant program funds as published on June 10, 1985, the individual weights for the three State factor formula criteria were inadvertently omitted. These weights are unchanged from those published in the proposed rule. The intent of this action is to correct this omission.

FOR FURTHER INFORMATION CONTACT: David J. Howe, Director, Program Support Staff, Farmers Home Administration, USDA, 14th and Independence Ave., SW., Washington, D.C. 20250, Telephone (202) 382-9619.

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 85-13723 appearing on pages 24178 to 24187 in the issue of June 10, 1985.

PART 1940—GENERAL

1. The authority citation for Part 1940 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart L—Methodology and Formulas for Allocation of Loan and Grant Program Funds

§ 1940.575 [Corrected]

2. Paragraph (b) of § 1940.575, appearing on page 24184, is corrected by inserting the weights in the formula for calculating the State factor (SF) to read as follows:

SF = (criterion No. 1 x weight of 33⅓%) + (criterion No. 2 x weight of 33⅓%) + (criterion No. 3 x weight of 33⅓%)

Dated: July 18, 1985.

Dwight O. Calhoun,

Acting Associate Administrator, Farmers Home Administration.

[FR Doc. 85-25708 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3169]

American Society of Sanitary Engineering; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, that a Bay Village, Ohio organization ("ASSE"), whose members consist of manufacturers of plumbing products and others associated with the plumbing industry, to cease refusing written requests for issuance of a standard or modification of an existing standard for a product because the product is patented or produced by only one or a limited number of manufacturers. The order also bars the society from failing to take sought action when it has already issued a standard, modification of a standard or a seal of approval covering a competing product and the applicant has demonstrated that its product adequately meets required performance goals. Should ASSE fail to issue the requested standard, modification or seal of approval, it is required to provide the applicant with a statement of the justification and bases for the failure, together with a reasonable opportunity to respond, and to maintain copies of relevant submissions and responses. Additionally, the society is required to incorporate the requirements of Parts I and II of the order into its Bylaws, and publish them in both its Yearbook and Standards Handbook.

DATE: Complaint and Order issued Oct. 3, 1985 [1].

FOR FURTHER INFORMATION CONTACT: FTC/H-272, Michael C. McCarey, Washington, D.C. 20580. (202) 523-1415.

SUPPLEMENTARY INFORMATION: On Monday, Aug. 13, 1985, there was published in the **Federal Register**, 50 FR 32213, a proposed consent agreement with analysis In the Matter of American Society of Sanitary Engineering, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395 To control marketing practices and conditions; § 13.410 To eliminate competition in conspirators' goods; § 13.475 To restrict competition in buying. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-60 Release of general, specific, or contractual constrictions, requirements, or restraints.

List of Subjects in 16 CFR Part 13

Plumbing products, Standards, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 85-25733 Filed 10-28-85; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 5794]

Atlas Supply Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

[1] Copies of the Complaint and the Decision and Order are filed with the original document.

SUMMARY: The Federal Trade Commission has denied a request from Atlas Supply Co. and its parent companies to set aside a 1951 cease and desist order (48 F.T.C. 53), but has modified the order by deleting one provision that restricted the joint purchasing activities of respondents.

DATES: Cease and Desist Order issued July 19, 1951. Modifying Order issued Oct. 8, 1985.

FOR FURTHER INFORMATION CONTACT: FTC/L–301, Daniel P. Ducore, Washington, D.C. 20580. (202) 624–4642.

SUPPLEMENTARY INFORMATION: In the Matter of Atlas Supply Co., et al.

List of Subjects in 16 CFR Part 13

Automotive parts, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

Order Modifying Cease and Desist

Commissioners: Terry Calvani, Acting Chairman, Patricia P. Bailey, Mary L. Azcuenaga.

In the Matter of Atlas Supply Co., et al., Docket No. 5794.

Issued July 19, 1951.

On June 7, 1985, Atlas Supply Company ("Atlas") and its shareholders, Amoco Oil Holding Company, The Standard Oil Company (Ohio), Chevron U.S.A. Inc., and Exxon Corporation filed a "Request To Reopen And Set Aside Cease And Desist Order" ("Request"), pursuant to section 5(b) of The Federal Trade Commission Act, 15 U.S.C. 45(b) and section 2.51 of the Commission's Rules of Practice. The Request asked the Commission to reopen the proceeding and terminate the cease and desist order issued on July 19, 1951 ("the Order").

The Order contains five substantive ordering paragraphs. The first two ordering paragraphs require Atlas and its shareholders to cease and desist from receiving or transmitting commissions, brokerage, or other compensation in connection with their purchases of automobile tires, tubes, batteries or other automobile parts or accessories ("TBA") in violation of section 2(c) of the Robinson-Patman Act. The third and fourth ordering paragraphs require respondents to cease and desist from knowingly inducing or accepting discriminatory prices in connection with their TBA purchases in violation of section 2(f) of the Robinson-Patman Act unless a cost saving or good faith meeting of competition justification exists. The fifth ordering paragraph, which was issued pursuant to section 5 of the Federal Trade Commission Act, prohibits respondents from using their combined purchasing power in connection with their TBA purchases to obtain any "price, discount, rebate, allowance or other treatment from a seller which is preferential to that allowed, afforded or made available by such seller" to competitors of any of the respondents. After reviewing the Request, the Commission has concluded that respondents have not made a satisfactory showing that changed circumstances or public interest considerations require that the Robinson-Patman Act provisions of the Order be terminated. The Commission has determined, however, that it is in the public interest to modify the Order to set aside the provision that prohibits Atlas and its shareholders from using their combined purchasing power to obtain preferential treatment from suppliers in connection with their joint TBA purchases.

Respondents have not shown how they are harmed by their obligation to comply with the section 2(c) and 2(f) provisions of the Order which they concede "do little more than repeat the Robinson-Patman Act . . . ." Request, p.4. Respondents do not assert that the conduct in which they engaged prior to 1951 is no longer violative of the Robinson-Patman Act nor do they make any showing that the R-P provisions of the Order inhibit lawful activity in which they wish to engage. Because the section 2(c) and 2(f) provisions of the Order merely require compliance with the law, they do not put respondents at a disadvantage with respect to their competitors who are also obliged to obey the law, nor do they impose any restrictions on respondents' lawful activities. Respondents' primary argument is that in view of the passage of thirty-four years since the Order was issued there is no reason to suppose that the resumption of joint purchasing by Atlas and the other respondents would be accompanied by violations of the Robinson-Patman Act. However, the deterrent effect of law enforcement actions by the Commission could be adversely affected if the Commission were to sunset conduct orders that do no more than require compliance with the law. And in recent cases the Commission has declined to terminate conduct orders solely because of their age. *See, e.g., William H. Rorer, Inc.*, Docket No. 8599, Modifying Order issued September 14, 1984 (Commission declined to set aside a 17-year old order issued under section 2(a) of the Robinson-Patman Act, although it did terminate fencing in provisions); *National Dairy Products Corp.*, 100 F.T.C. 431 (1982) (Commission declined either to rescind or terminate in five years a perpetual order issued under section 2(a) of the Robinson-Patman Act); *ABC Vending Corp.*, Docket No. 7652 (Letter from Secretary of the Commission to Arthur H. Kahn, Esquire, dated January 28, 1982. Commission declined to set aside perpetual order provision based on section 2(f) of the Robinson-Patman Act that "merely restates the law that must be adhered to by the respondent . . . . and consequently does not hinder the respondent's ability to compete.").

On the other hand, the Commission has concluded that the public interest warrants modifying the Order to set aside its fifth ordering paragraph which prohibits Atlas and its shareholders from using their combined purchasing power to obtain preferential treatment from suppliers in connection with their joint TBA purchases. As the Request observes, this provision does not define "preferential" nor, in contrast to the Robinson-Patman Act provisions of the Order, does it include any specific recognition of the availability of a cost justification or meeting competition defense. Request, p.4. It thus forbids conduct that would be lawful under the Robinson-Patman Act. To the extent that this provision was included in the Order out of concern that the market growth which had been experienced by the Atlas brands from 1930 to 1949 threatened a recurrence, in TBA at least, of the monopoly power of the original Standard Oil Company, Request, p.5, respondents have demonstrated that in the thirty-four years since the Order was issued there has been no such recurrence of monopoly power with respect to TBA and no tendency in that direction. In contract to the situation at the time the Order issued when it was stipulated that Atlas products approximated ten percent of the total replacement sales of TBA products in the United States, Atlas brands today represent TBA market shares ranging from a high of 3.26 percent (oil filters) to a low of 0.176 percent (remanufactured starters and alternators). Nevertheless, according to the Request, the breadth of the possible reach of the fifth ordering paragraph has caused Atlas and its shareholders to forego any consideration of joint purchasing regardless of efficiencies or competitive considerations. Request, p.5. The fifth ordering paragraph initially served a legitimate purpose in that it assured the termination of the violations of the Robinson-Patman Act that had been associated with respondents' joint purchasing activities. It appears, however, that this provision of the Order has long since accomplished its remedial purpose and is now serving to

inhibit respondents from engaging in lawful competitive behavior. Despite the passage of thirty-four years since the Order issued, respondents' competitors in the TBA industry have not been placed under any comparable restraint. Moreover, in many instances joint buying groups may facilitate pro-competitive economies and efficiencies without significant countervailing anticompetitive effects. Request, pp. 10–12.

Accordingly, it is ordered that this matter be, and it hereby is, reopened, and that the fifth ordering paragraph of the Commission's Order issued on July 19, 1951, shall be of no further force and effect as of the effective date of this modifying order.

By the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85–25731 Filed 10–28–85; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

[Docket No. C–3168]

InterNorth, Inc. and Houston Natural Gas Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires InterNorth, Inc. (INI), the Omaha, NE acquirer of the Houston Natural Gas Corporation, among other things, to divest within 12 months from the date of the order to a Commission-approved buyer, all the properties listed on Schedule A, and to terminate all rights and obligations it may have on the contracts listed on Schedule B. Should INI fail to complete the required divestiture within the allotted time, a trustee, appointed by the court or the Commission, will be given 18 months from the date of appointment to divest the remaining Schedule A properties. Until those properties are divested, INI is required to use its best efforts to maintain them as ongoing, viable enterprises. The order further prohibits the company, for a period of ten years, from acquiring any assets or interests of a company that is engaging in the gathering or transportation of natural gas in the Permian basin or the Panhandle whose acquisition price is $15 million or more, and from entering into any agreement or venture for the joint purchasing, gathering, or transportation of natural gas in the Permian basin or the Panhandle without prior Commission approval.

DATE: Complaint and Order issued Sept. 30, 1985.[1]

FOR FURTHER INFORMATION CONTACT: FTC/B–908, Ronald B. Rowe, Washington, D.C. 20580, (202) 724–1441.

SUPPLEMENTARY INFORMATION: On Tuesday, June 18, 1985, there was published in the **Federal Register,** 50 FR 25255, a proposed consent agreement with analysis In the Matter of InterNorth, Inc., a corporation, and Houston Natural Gas Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; § 13.5–20 Federal Trade Commission Act; § 13.7 Joint ventures. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–35 Employment of independent agencies; § 13.533–45 Maintain records.

List of Subjects in 16 CFR Part 13

Natural gas, Stock acquisitions, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Emily H. Rock,

Secretary.

[FR Doc. 85–25732 Filed 10–28–85; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

[Docket No. C–3170]

Michigan Optometric Association; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires the Michigan Optometric Association, among other things, to cease prohibiting, restricting or restraining any optometrist from: (1) Entering into or affiliating with a corporate practice; (2) practicing in any location; or (3) disseminating truthful, non-deceptive information. Additionally, the Association is required to repeal those Bylaws and Standards of Conduct that conflict with the order. Further, the Association is required to send notice of the order to: (1) all optometrists who resigned or were terminated because they engaged in a corporate practice or practiced in a retail location; (2) all members of the Association; (3) all other optometrists currently licensed in the State of Michigan; and (4) everyone to whom the Association sends an application for membership for the next five years.

DATE: Complaint and Order issued October 10, 1985.[1]

FOR FURTHER INFORMATION CONTACT: Robert P. Weaver, Cleveland Regional Office, Federal Trade Commission, Suite 500—Mall Bldg., 118 St. Clair Ave., Cleveland, OH 44144, (216) 942–4207.

SUPPLEMENTARY INFORMATION: On Friday, August 2, 1985, there was published in the **Federal Register,** 50 FR 31387, a proposed consent agreement with analysis in the Matter of Michigan Optometric Association, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.370 Suppliers and sellers. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395 To control marketing practices and conditions; § 13.475 To restrict competition in buying; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc.

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[1] Copies of the Complaint and the Decision and Order are filed with the original document.

[1] Copies of the Compliant and the Decision and Order are filed with the original documents.

Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records. Subpart—Cutting Off Supplies or Service: § 13.655 Threatening disciplinary action or otherwise.

List of Subjects in 16 CFR Part 13

Optometrists, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 85–25730 Filed 10–28–85; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 558

Animal Drugs, Feeds, and Related Products; Change of Sponsor; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the animal drug regulations to reflect the change of sponsor of four new animal drug applications from Feed Specialties Co., Inc., to Henwood Feed Additives, Division of Feed Specialties Co., Inc. This document corrects an editorial error.

EFFECTIVE DATE: October 10, 1985.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (HFV–238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6243.

SUPPLEMENTARY INFORMATION: In FR Doc. 85–24240 appearing on page 41340 in the issue of October 10, 1985, the following correction is made on page 41341: In the third column, amendment number 7 is revised to read "7. In § 558.630 *Tylosin and sulfamethazine* in paragraph (b)(3) by adding "017274" and in paragraph (b)(8) by adding in numerical sequence "026186"."

Dated: October 22, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85–25675 Filed 10–28–85; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Temporary Placement of Acetyl-alpha-methylfentanyl, Alpha-methylthiofentanyl, Benzylfentanyl, Beta-hydroxyfentanyl, Beta-hydroxy-3-methylfentanyl, 3-Methylthiofentanyl, Thenylfentanyl and Thiofentanyl into Schedule I of the Controlled Substances Act

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: The Administrator of the Drug Enforcement Administration (DEA) is issuing this notice to temporarily place acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl into Schedule I of the Controlled Substances Act (CSA) pursuant to the emergency scheduling provision of the CSA. This action is based on a finding that the scheduling of these substances in Schedule I is necessary to avoid an imminent hazard to the public safety. This action will impose the criminal sanctions and regulatory controls of Schedule I on the manufacturing, distribution and possession of these fentanyl analogs.

EFFECTIVE DATE: On November 29, 1985, acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl will be subject to Schedule I control.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537. Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

The Comprehensive Crime Control Act of 1984 (Pub. L. 98–473), which was signed into law on October 12, 1984, amended section 201 of the Controlled Substances Act (CSA) (21 U.S.C. 811) to give the Attorney General the authority to temporarily place a substance into Schedule I of the CSA if he finds that such action is necessary to avoid an imminent hazard to the public safety. A substance may be scheduled under the emergency provision of the CSA if that substance is not listed in any other schedule under section 202 of the CSA (21 U.S.A. 812) or if there is no approval or exemption in effect under 21 U.S.C. 355 for the substance. The Attorney General has delegated his authority under 21 U.S.C. 811 to the Administrator of the Drug Enforcement Administration (28 CFR 0.100(b)). In making a finding of an imminent hazard to the public safety, the Attorney General is required to consider only those factors set forth in paragraphs (4) the history and current pattern of abuse, (5) the scope, duration and significance of abuse, and (6) what, if any, risk there is to the public health, of section 201(c) of the CSA (21 U.S.C. 811(c)).

House Report 98–835 which accompanied Public Law 98–473 states that "This new procedure [emergency scheduling] is intended by the Committee to apply to what has been called 'designer drugs', new chemical analogs or variations of existing controlled substances, or other new substances, which have a psychedelic, stimulant or depressant effect and have a high potential for abuse." The substances, acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl, are analogs of fentanyl, a Schedule II narcotic analgesic, and as such are substances which Congress clearly intended to subject to the emergency scheduling authority as imminent hazards to the public safety.

A series of analogs of the Schedule II narcotic analgesic, fentanyl, have been clandestinely produced, distributed and abused primarily in California since late 1979. The first of the analogs identified was alpha-methylfentanyl, sold on the street as "China White" or "synthetic heroin." Alpha-methylfentanyl was associated with over 20 narcotic overdose deaths during the period 1980–1982. Using the traditional scheduling process pursuant to Section 201(a) of the CSA (21 U.S.C. 811(a)), DEA placed alpha-methylfentanyl into Schedule I of the CSA effective September 22, 1981 (46 FR 46799). Since the control of alpha-methylfentanyl, DEA laboratories have identified other fentanyl analogs clandestinely produced and distributed in California. DEA used its emergency scheduling authority for the first time when 3-methylfentanyl, a particularly potent fentanyl analog, was temporarily placed into Schedule I of the CSA effective April 25, 1985 (50 FR 11690). Subsequently, substantial quantities of

several other fentanyl analogs have been encountered in the illicit drug traffic as determined by DEA laboratory analyses. The substances, acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl are the specific fentanyl analogs which have been found in the illicit drug traffic. One sample of material associated with a clandestine laboratory seizure in California in June 1985 contained substantial quantities of six of the above fentanyl analogs. Two other samples, one seized in California and the other seized in Louisiana, contained substantial quantities of four of the fentanyl analogs. Thus, in the following sections which describe the specific fentanyl analogs, the same three seizures are reported for several analogs. The following is a description of the information available regarding the above eight fentanyl analogs:

N-[1-Methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylacetamide or acetyl-alpha-methylfentanyl was first identified by DEA laboratories in August 1983 in evidence samples from Modesto, California. Acetyl-alpha-methylfentanyl has been identified by forensic laboratories in 13 other samples in 1984 and 1985. In June 1985, approximately four ounces of material containing acetyl-alpha-methylfentanyl was seized at a clandestine laboratory in California. Abuse liability studies show that acetyl-alpha-methylfentanyl is a potent narcotic analgesic which substitutes completely for morphine in morphine-dependent monkeys. It has a rapid onset of action but a shorter duration of action than morphine. Acetyl-alpha-methylfentanyl is approximately 10 times more potent than morphine in rats.

N-[1-(Methyl-2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide or alpha-methylthiofentanyl has been identified by DEA laboratories in five evidence submissions since 1984. Four of the submissions were from California and a recent (June 1985) submission was from Louisiana. Over four kilograms of material containing alpha-methylthiofentanyl have been seized by DEA, much of it at a clandestine laboratory. It is estimated that alpha-methylthiofentanyl has a longer duration of action than fentanyl and that it is between 450 and 600 times more potent than morphine as an analgesic.

N-[1-benzyl-4-piperidyl]-N-phenylpropanamide or benzylfentanyl is both an intermediate in the synthesis of fentanyl and reported to be an active morphine-like substance. It has been identified by DEA laboratories in over 25 drug evidence submissions from the San Diego area during the period January 1982 to June 1985. During this same time period, at least 24 overdose deaths associated with fentanyl-like compounds were reported in San Diego. Benzylfentanyl and fentanyl are the only fentanyl-like compounds identified in the San Diego area by forensic laboratories. Thus, it is likely that the 24 fentanyl-related overdose deaths reported in San Diego were associated with the use of benzylfentanyl and fentanyl. Approximately one and a half pounds of a synthesized intermediate and other necessary chemicals and equipment to produce benzylfentanyl were found at a clandestine laboratory in Los Angeles, California in June 1985. Benzylfentayl has an analgesic potency about one-tenth that of morphine when administered intravenously to rats and mice.

Chemically, beta-hydroxyfentanyl is N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide. Beta-hydroxyfentanyl has been identified by forensic laboratories in four submissions from California in 1985. Over four kilograms of material containing beta-hydroxyfentanyl have been encountered. Two of the submissions were obtained at a clandestine laboratory in California. Beta-hydroxyfentanyl produces typical morphine-like effects in rats with an analgesic potency approximately 150 times that of morphine. It is believed that beta-hydroxyfentanyl is formed in the synthesis of beta-hydroxy-3-methylfentanyl.

N-[3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide or beta-hydroxy-3-methylfentanyl has also been identified by forensic laboratories in four submissions from California in 1985. Over four kilograms of material containing beta-hydroxy-3-methylfentanyl was found. Two submissions were obtained at a clandestine laboratory in California. Beta-hydroxy-3-methyl-fentanyl has been identified as a combination of the cis and trans diastereomers. Because of its close structural similarity to known active fentanyl-like compounds, beta-hydroxy-3-methylfentanyl is likely to produce morphine-like effects. It is estimated that the analgesic potency of beta-hydroxy-3-methylfentanyl in rats is at least 300 times and possibly up to 1500 times that of morphine.

N-[3-methyl-1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide or 3-methylthiofentanyl has been identified in drug evidence samples from California and Louisiana in 1985. The four submissions consisted of a total of 5.8 kilograms of material. Two of the exhibits were obtained at a clandestine laboratory in California. 3-Methylthiofentanyl has been identified as a mixture of the cis and trans diastereomers. 3-Methylthiofentanyl is structurally similar to thiofentanyl and 3-methylfentanyl, both of which are morphine-like compounds. This structural similarity strongly suggests that 3-methylthiofentanyl is a potent morphine-like substance. It is estimated that the analgesic potency of 3-methylthiofentanyl is approximately 1000 times that of morphine in rats.

Thenylfentanyl or N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide has been identified in over four kilograms of material in three drug evidence submissions to DEA laboratories in 1985. Two of the samples were from California and one was from Louisiana. One of the California samples was obtained at a clandestine laboratory. It is unclear whether thenylfentanyl was a target compound or whether it was present as an impurity or by-product. Nevertheless, thenylfentanyl's close structural similarity to fentanyl, thiofentanyl and benzylfentanyl, all active morphine-like compounds, makes it likely that thenylfentanyl also possesses morphine-like activity. Thenylfentanyl's analgesic potency is estimated to be one-tenth that of morphine in rats.

N-[1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide or thiofentanyl has been identified by DEA laboratories in four drug evidence submissions in 1985. Three of the samples were from California and one was from Louisiana. The four samples, two of which were obtained at a clandestine laboratory, consisted of over five kilograms of material. Thiofentanyl produces typical morphine-like effects in rats and it is approximately 175 times more potent than morphine as an analgesic.

Fentanyl analogs have been associated with at least 60 narcotic overdose deaths since January 1984. The specific fentanyl analogs involved were not determined but it is highly likely that many of the deaths were associated with the use of the eight fentanyl analogs described above. Many of the deaths occurred during the time and in the areas where the availability of the above fentanyl analogs can be documented. Two of the deaths occurred in Oregon and the remainder occurred in California. Cocaine was found in the body fluids and tissues of several of the deceased. Deaths were attributed to

pulmonary congestion due to intravenous "fentanyl" toxicity. It is reported that deaths associated with fentanyl analog use continue to occur at the rate of one per week in California.

All of the above fentanyl analogs were produced in clandestine laboratories. There is no accepted medical use for or commercial manufacturer of any of the eight fentanyl analogs. The use of clandestinely produced narcotic substances such as these fentanyl analogs poses greater health and safety hazards than those attendant to the use of traditional narcotics. The identity, purity and concentration of the active ingredients in most cases are unknown or at best inconsistent. The high potency of several of the fentanyl analogs (analgesic potencies up to 1500 times that of morphine) requires that doses be very small. Mixing the active ingredients with the diluents to obtain uniform doses is extremely difficult. Thus, the risk of drug overdose is increased.

The pattern of abuse of fentanyl analogs in general parallels that of heroin. Fentanyl analogs are sold on the street as "China White," "synthetic heroin," "heroin," or "fentanyl." The packaging is identical to that used for heroin, e.g., balloons, plastic bags and foil packets. The fentanyl analogs have been diluted with lactose or mannitol and mixed with cocaine, quinine or diphenhydramine. Some samples have been dyed brown to look like "Mexican heroin." The fentanyl analogs primarily are administered intravenously by known heroin addicts.

The incidence of fentanyl analog use among narcotic addicts in California is estimated at between 10 and 20 percent. A recent study of clients in nine methadone treatment programs in Northern California showed that of the 519 urine samples tested, 50 or 10 percent of them were positive for fentanyl-like substances. The range for the nine centers was 0–24 percent. The specific fentanyl analogs used were not determined.

The data described above shows that the production, distribution and abuse of fentanyl analogs continue to pose a very serious hazard to the public safety. The data further shows that acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl are the fentanyl analogs currently in use and that they are available in substantial quantities. Although there is relatively little information regarding the availability and use of fentanyl analogs outside of California (2 overdose deaths in Oregon, a sample containing alpha-methylthiofentanyl, thenylfentanyl, 3-methylthiofentanyl and thiofentanyl in Louisiana), there is a high potential for the spread of the fentanyl analogs to other areas of the country. In view of modest production costs and high dosage yields, the potential profit from the sale of these analogs is tremendous.

In accordance with the provisions of section 201(h)) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, the Administrator of DEA has considered the following factors relative to making a determination of whether acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl each pose an imminent hazard to the public safety:

(1) Its history and current pattern of abuse,

(2) The scope, duration and significance of abuse, and

(3) What, if any, risk there is to the public health.

Based on a consideration of these factors and other relevant information, the Administrator, pursuant to section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, finds that scheduling acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl in Schedule I of the CSA, at least on a temporary basis, is necessary to avoid an imminent hazard to the public safety.

As required by section 201(h)(4) of the CSA (21 U.S.C. 811(h)(4)), the Administrator has notified the Secretary of the Department of Health and Human Services of his intention to temporarily place acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl into Schedule I of the CSA. Comments submitted by the Secretary in response to this notification, including whether there is an exemption or approval in effect for any of the above listed fentanyl analogs under the Federal Food, Drug and Cosmetic Act, shall be taken into consideration by the Administrator before the notice becomes effective.

Pursuant to the provisions of section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, the Administrator hereby orders that on [insert 31 days from the date of publication of this **Federal Register** notice] N-[1-(1-methyl-2-phenyl)-ethyl-4-piperidyl]-N-phenylacetamide (acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers, N-[1-(1-methyl-2-(2-thienyl)-ethyl)-4-piperidyl]-N-phenylpropanamide (alpha-methylthiofentanyl), its optical isomers, salts, and salts of isomers, N-[1-benzyl-4-piperidyl]-N-phenyl-propanamide (benzylfentanyl), its optical isomers, salts and salts of isomers, N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers, N-[3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers, N-[3-methyl-1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide (3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers, N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, and salts and salts of isomers, N-[1-(2-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide (thiofentanyl), its optical isomers, salts and salts of isomers be placed into Schedule I of the CSA (21 U.S.C. 801 et seq.) unless the Administrator gives notice in the **Federal Register** that this order is rescinded prior to November 29, 1985.

PART 1308—[AMENDED]

For the reasons set forth above, 21 CFR 1308.11 (g) is amended as follows:

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Sections 1308.11(g)(5)–(12) are added to read as follows:

§ 1308.11 Schedule I.

* * * * *

(g) * * *

(5) N-[1-(1-methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylacetamide (acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers 9815

(6) N-[1-(1-methyl-2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers 9832

(7) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers 9818

(8) N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers 9830

(9) N-[3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (beta-hydroxy-

3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers.....9831
(10) N-[3-methyl-1-(2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers.....9833
(11) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.....9834
(12) N-[1-(2-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (thiofentanyl), its optical isomers, salts and salts of isomers.....9835

* * * * *

The temporary placement of acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl in Schedule I pursuant to section 201(h) of the CSA (21 U.S.C. 811(h)) will expire at the end of one year from the effective date of this order. If a rulemaking proceeding to schedule any of these substances under the CSA has been initiated pursuant to section 201(a) of the CSA (21 U.S.C. 811(a)) and is pending, the temporary scheduling of that substance may be extended for up to six months.

This action is not a formal rulemaking procedure as set forth in the Administrative Procedures Act (5 U.S.C. 551–559) and the opportunity for a hearing on the record is not required. Nevertheless, the Administrator affords the opportunity for comments to be submitted concerning this matter. Comments should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: **Federal Register** Representative.

All regulations and criminal sanctions applicable to Schedule I substances are effective on November 29, 1985, with respect to acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl. However, individuals registered with DEA in accordance with Part 1301 or 1311 of Title 21 of the Code of Federal Regulations and who currently possess acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl may continue to do so pending DEA's receipt of an amended registration no later than December 30, 1985.

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl or thiofentanyl or who engages in research or conducts instructional activities with respect to these substances or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl must be manufactured, distributed and stored in accordance with §§ 1301.71–1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl must comply with the requirements of §§ 1302.03–1302.05, 1302.07 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Quotas.* All persons required to obtain quotas for acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl or thiofentanyl shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records and who possesses any quantity of acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl or thiofentanyl shall take an inventory, pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of these substances on hand.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.37–1304.41 of Title 21 of the Code of Federal Regulations shall do so regarding acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl.

8. *Order Forms.* All registrants involved in the distribution of acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl shall comply with the order form requirements of §§ 1305.01–1305.16 of Title 21 of the Code of Federal Regulations.

9. *Importation and Exportation.* All importation and exportation of acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxy-fentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl or thiofentanyl shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* Any activity with respect to acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxyfentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act occurring after November 29, 1985 is unlawful.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that the temporary placement of acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxy-fentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L 96–354). This action involves the temporary control of substances with no legitimate medical use or manufacture in the United States.

It has been determined that the temporary placement of acetyl-alpha-methylfentanyl, alpha-methylthiofentanyl, benzylfentanyl, beta-hydroxy-fentanyl, beta-hydroxy-3-methylfentanyl, 3-methylthiofentanyl, thenylfentanyl and thiofentanyl in Schedule I of the CSA under the emergency scheduling provision is a statutory exception to the requirements of Executive Order 12291 (46 FR 13193).

Dated: October 23, 1985.

John C. Lawn,

Administrator.

[Doc. 85-25735 Filed 10-28-85; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 324

Research in Education of the Handicapped

AGENCY: Department of Education.

ACTION: Final rule; correction—Research in Education of the Handicapped program under Sections 641–644 of Part E of the Education of the Handicapped Act, as amended.

SUMMARY: On August 26, 1985 final regulations for the Research in Education of the Handicapped program under Sections 641–644 of Part E of the Education of the Handicapped Act, as amended, were published at 50 FR 34638–34644. That document contained two errors which are corrected below.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Glidewell, Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3511—M/S 2313), Washington, DC 20202; Telephone: (202) 732–1099.

SUPPLEMENTARY INFORMATION: On page 34639, third column, the fourteenth line from the top is changed to read: "§ 324.4 *What definitions apply to this program?*"

§ 324.2 [Corrected]

On page 34640, first column, third paragraph from the top, § 324.2(b) is changed to read:

* * * * *

(b) The Secretary may award grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and may make contracts with States, State and local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations for research and related purposes authorized under section 642 of the Education of the Handicapped Act, relating to physical education or recreation for handicapped children, and to conduct research, surveys, or demonstrations relating to physical education or recreation for handicapped children.

(20 U.S.C. 1441–1444)

(Catalog of Federal Domestic Assistance No. 84.023, Research in Education of the Handicapped)

Dated: October 24, 1985.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitation Services.

[FR Doc. 85-25741 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-M

POSTAL SERVICE

39 CFR Part 111

Combined Mailings of Special Fourth-Class and Bound Printed Matter

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule provides for the combined mailing of separate and distinguishable units of special fourth-class and bound printed matter in a single machinable parcel with postage paid at the rate appropriate for each subclass. The rule eliminates the need for mailers to prepare separate mailings to the same recipient in order to claim the two rates. The Postal Service will also benefit from this rule in that one parcel will be processed and delivered instead of two.

EFFECTIVE DATE: November 29, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. George E. Thomas, (202) 245–4512.

SUPPLEMENTARY INFORMATION: On August 20, 1985, the Postal Service published for comment in the **Federal Register** (50 FR 33575–33576) proposed changes in sections of the Domestic Mail Manual relating to mixed classes of mail. Interested persons were invited to submit comments on the proposed changes by September 19, 1985.

Written views were received from four commenters. All were in favor of adopting the proposal. However, each of the commenters suggested that only one rate should be applied to forwarding and return to simplify postage calculation and verification. Three of the commenters specifically suggested the parcel post zone rates. The Postal Service agrees with the suggestions and we have changed the rule to call for the application of postage at parcel post zone rates whenever parcels of combined special fourth-class and bound printed matter are forwarded or returned.

Two commenters observed that the proposed rule may not permit mailers of combination packages to make use of the Postal Service's Itemized Postage Program, since the proposal requires that "postage and weight of the components be listed on the package", and the Itemized Postage Program does not call for this kind of identification. The Itemized Postage Program is an alternate method of paying postage adopted under the provisions of DMM 145.9. The Postal Service has no objection to alternate methods under DMM 145.9 being applicable to the combined mailings considered here. Accordingly, we have inserted language under the heading "Markings Required", specifically stating that combined mailings of special fourth-class and bound printed matter, which are made through an alternate method of paying postage under the provisions of DMM 145.9, must be identified according to the specific terms and conditions of the approved alternate arrangement.

Upon consideration of all the comments, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408, 3001–3011, 3201–3219, 3403–3405, 3601, 3621; 42 U.S.C. 1973 cc–13, 1973 cc–14.

2. Revise the heading of Part 136 and the first sentence of 136.1 of the DMM to read as follows:

PART 136—MIXED CLASSES AND SUBCLASSES OF MAIL

136.1 General.

When mail of a higher class is enclosed with mail of a lower class, the rate of postage on the entire piece or package is that of the higher class except as provided in 136.2, 136.3, 136.4, 136.7, and 136.8. * * *

3. Add new 136.8 to read as follows:

136.8 Combined Mailings of Special Fourth-Class and Bound Printed Matter

.81 *Definition.* Mailers may combine separate and distinguishable units of special fourth-class and bound printed matter in one parcel for the same addressee.

.82 *Machinability.* All parcels containing combined special fourth-class and bound printed matter must meet the machinable (regular) parcel criteria stated in 128.41.

.83 *Payment of Postage.* Postage covering each separate unit of mail must be placed on the outside of the parcel. See 780, Domestic Mail Manual, for methods of postage payment.

.84 *Markings Required.*

a. Sections 764.1 and 767.1 prescribe the marking requirements for mailings of special fourth-class and bound printed matter. In addition to those markings, the mailer must place on each parcel below the postage and above the address an endorsement denoting the enclosure and the amount of additional postage paid for it. For example, BOUND PRINTED MATTER ENCLOSED $1.46 or SPECIAL FOURTH-CLASS ENCLOSED $0.69. Parcels containing bound printed matter and special fourth-class are properly chargeable with postage at parcel post zone rates when they are not marked as prescribed, or when the contents do not consist of separate and distinguishable units of mail, or when they are not machinable.

b. Combined mailings of special fourth-class and bound printed matter which are made through an alternate method of paying postage under the provisions of 145.9 must be identified according to the specific terms and conditions of the approved alternate arrangement.

.85 *Bulk or Presort Rate Mailings.* Bulk or presort rates may be claimed if the mail is prepared in accordance with the applicable provisions of sections 763, 764, or 767. Where bulk or presort rates are claimed on both subclasses, the mail must be sorted in accordance with the requirements which provide the finest degree of sortation of the two subclasses. For example, if a mailing consists of bulk bound printed matter and level A presorted special fourth-class rate mail, it must be sorted to 5-digit ZIP Code destinations meeting the provisions of sections 724.222 and 764.22. In this instance, sortation in accordance with the requirements prescribed in section 767 for bound printed matter would not suffice.

.86 *Forwarding and Return.* Combination parcels containing special fourth-class and bound printed matter will be charged postage at the parcel post zone rates when forwarded or returned.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 85-25524 Filed 10-28-85; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[BERC-235-F]

Medicare Program; Limitation on Payment for Services Furnished To Employed Aged and Aged Spouses of Employed Individuals

Correction

In FR Doc. 85-24305 beginning on page 41503 in the issue of Friday, October 11, 1985, make the following correction:

On page 41511, in the second column, in the second line of § 405.341(d), "(30 days after publication)" should read "November 12, 1985".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

Department Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This amendment revises procedural rules of the Office of Hearings and Appeals (OHA) at 43 CFR 4.5 and 4.27 to clarify that the Secretary does not have the power to exercise jurisdiction over matters before the Interior Board of Contract Appeals (IBCA), to establish procedures relating to the exercise of the Secretary's reserved powers over OHA proceedings and to broaden and strengthen the general prohibition against *ex parte* communications in OHA proceedings. The amendment also removes duplicative provisions regarding *ex parte* communications from the procedures for particular OHA proceedings.

EFFECTIVE DATE: November 29, 1985.

FOR FURTHER INFORMATION CONTACT: John H. Kelly, Deputy Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235-3810; Deborah S. Ryan, Attorney-Advisor, Office of the Solicitor, U.S. Department of the Interior, 18th & C Streets NW., Washington, D.C. 20240, (202) 343-5216.

SUPPLEMENTARY INFORMATION: On March 19, 1985 (50 FR 10996), OHA published proposed amendments to its procedural rules at 43 CFR 4.5 and 4.27. OHA is the body within the Department of the Interior that has been delegated the authority of the Secretary to hear, consider, and determine matters within the jurisdiction of the Department involving hearings, appeals, and other review functions of the Secretary. OHA's general rules relating to procedures and practice are contained in 43 CFR Part 4, Subpart B. Other subparts in 43 CFR Part 4 contain procedural rules applicable to particular types of hearings, for example, land appeals.

OHA's general rules relating to procedures and practice clearly state that the Secretary has the authority to take jurisdiction at any stage of any case pending before OHA and render the final decision after holding such a hearing as may be required by law, to review any OHA decision, and to direct reconsideration of any decision. 43 CFR 4.5(a). The rules also state that the Director of OHA, pursuant to his delegated authority from the Secretary, may assume jurisdiction of or review any case before an appeals board or direct reconsideration of any decision by an appeals board. 43 CFR 4.5(b). The authority of the Secretary to review, take jurisdiction over, or direct reconsideration of OHA cases does not extend to cases of the Interior Board of Contracts Appeals (IBCA), whose decisions are final for the Department pursuant to the Contract Disputes Act of 1978, Pub. L. No. 95-563, 41 U.S.C. 601-613 (1982). This rule expressly excepts IBCA from the provisions relating to the exercise of reserved authority by the Secretary or Director.

The amended subsection also provides that when the Secretary or Director becomes personally involved in the decisionmaking process by taking jurisdiction of a pending case or reviewing a decision already issued, the parties and appropriate Departmental personnel—which would include the board or administrative judge handling the case—will be notified, the administrative record will be requested, and a written decision will be issued. We believe that these are appropriate procedural safeguards which enhance the administrative process. This

amendment does not modify existing policy with respect to the finality of OHA decisions for the purpose of exhaustion of administrative remedies or create an opportunity for appeal to the Secretary or Director. When this regulation was last amended to clarify the review authority of the Secretary and Director, the Department stressed that this authority was exercised "only on rare occasions," and that "[p]romulgation of this rule should not be construed as a change of that practice." 43 FR 37689 (Aug. 24, 1978). The proposed subsection merely clarifies certain procedures relating to the exercise of the Secretary's reserved authority.

The Department received one comment suggesting that the final rule include procedures and criteria for determining which cases will be reviewed under the Secretary's reserved authority. These regulations apply specifically only to proceedings before the Office of Hearings and Appeals. Which cases will be reviewed by the Secretary is beyond the scope of these regulations. The new provisions relating to exercise of reserved authority were added for the purpose of assuring that the administrative record is complete; they are not intended to restrict or limit in any respect the authority or discretion of the Secretary in reviewing OHA decisionmaking. Decisions by OHA are rendered on behalf of the Secretary, and it would not be appropriate to set conditions for Secretarial review of those decisions. This suggestion is not adopted.

It was also suggested that procedures to be followed once Secretarial review is granted be promulgated. The procedures to be followed by the Secretary will necessarily depend upon such factors as the status of the case at the time the Secretary decided to consider it personally, the circumstances under which such decision was made (*e.g.*, whether time was of the essence in order to avoid loss or damage), and the state of the record (*e.g.*, whether there are unresolved facts which will require the setting of a hearing; whether briefing is adequate). For these reasons and because such review is rarely exercised, procedural matters are best left to the Secretary to be dealt with as the need arises on a case-by-case basis. This suggestion is not adopted.

This rule revises the general prohibition against *ex parte* communications in 43 CFR 4.27(b) to change the provision's scope, applicability, and enforceability. The first change broadens the scope of the prohibited *ex parte* communications from communications on the merits of a proceeding or an appeal, as currently provided, to communications concerning the merits of a case or any related action pending before OHA, including an OHA rulemaking that would affect a pending case. The text of the amended regulation has been changed to make it clear that only rulemaking affecting 43 CFR Part 4 is affected; this provision does not affect rulemaking conducted by other Departmental offices.

The second change increases the number of people who may not have *ex parte* communications to include any party, person who has an interest in the decision to be rendered, or representative of a party or interested person and a member of OHA involved or likely to become involved in the decisionmaking process of a given proceeding. The term "interested person" was not defined in the text of the proposed rule but a definition has now been added. It is intended to be a wide, inclusive term covering any individual or other person with an interest in the proceeding. The interest need not be monetary, nor need a person be a party to, or intervenor in, the proceeding to come under this section. The term includes, but is not limited to, parties, competitors, public officials, and nonprofit or public interest organizations and associations with a special interest in the matter. The term also includes Departmental bureaus and offices (and the employees thereof), whether or not parties to the proceeding. The term does not include a member of the public at large who makes a casual or general expression of opinion about a pending proceeding; nor is it intended to include members of the public at large who may participate in a letter writing campaign generated by an interested person. A "representative" is intended to include, but is not limited to, a member of the Department's Office of the Solicitor who is representing a bureau or office before OHA. It would also include anyone who, though not interested in the proceeding himself, communicates with OHA at the request or suggestion of a party.

In addition, the rule adds a subsection to § 4.27(b) that conforms to the 1976 amendments to section 557 of the Administrative Procedure Act (APA), Pub. L. No. 94–409, 5 U.S.C. 557(d) (1982), regarding the placement of *ex parte* communications in the record and sanctions. Although a small percentage of OHA proceedings are governed by APA, we do not consider it advisable to have one standard for APA proceedings and a different standard for non-APA proceedings. The new subsection requires that any prohibited *ex parte* communication be made part of the record and that an opportunity for response be allowed. The final rule, however, does not require that an opportunity for response be provided in informal rulemaking proceedings because there are no parties to such a proceeding who need to be given an opportunity to respond in writing.

One comment questioned the meaning of "any other related action pending before the office," and suggested that petitions to reconsider board decisions and petitions to assume jurisdiction under § 4.5 be expressly included. The final rule includes requests for consideration or review by the Director in the definition of proceedings. Petitions for Secretarial review, however, are not included because such petitions are not proceedings before OHA. The subsection also authorizes an OHA administrative law judge, appeals board, or Director to require an offending party to show cause why the party's claim, interest, or motion should not be dismissed, denied, or otherwise adversely affected, and to invoke appropriate sanctions against other persons who violate the prohibition. One comment suggests that the sanctions should include automatic dismissal of a party's case if they fail to show cause by a deadline established in a show cause order. We do not adopt this suggestion. The regulation grants discretionary authority to the deciding official to dismiss the case if a deadline set forth in a show cause order is not met. Because dismissal is a severe sanction, we feel the deciding official should retain discretion to determine whether the circumstances surrounding a late response warrant dismissal.

One comment suggests that the regulation should expressly prohibit communications from private parties that were transmitted to the Director or OHA judges. We believe that the language of the regulation clearly includes such communications.

The same comment suggests that communications from within the Department either from bureaus or their lawyers of the Solicitor's Office to the Director or OHA judges also be prohibited. Such comments are prohibited because the bureaus are parties to the appeals from their decisions and the lawyers in the Solicitor's Office are representative of those bureaus as parties. The same comment also suggests prohibition of communications from Departmental representatives and lawyers to the staff of the Under Secretary or Secretary once jurisdiction has been assumed

under § 4.5. Such communications are not within the scope of these regulations.

The rule deletes certain other provisions regarding *ex parte* communications for particular OHA proceedings in order to avoid any duplication or inconsistencies in OHA procedures. The provision in 43 CFR 4.100(f) is not being deleted because it conforms to guidelines for Uniform Rules of Procedure for Boards of Contract Appeals promulgated by the Office of Federal Procurement Policy. Although less comprehensive than the revised rule, it is not considered to be inconsistent with it.

The Department of the Interior has determined that this document is not a major rule under Exec. Order No. 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The amendments are intended only to clarify the Secretary's review authority over OHA cases and to broaden and strengthen the general prohibition against *ex parte* communications. The amendments are not expected to have any discernible economic effects on OHA, other governmental units, private parties appearing before OHA, persons interested in OHA proceedings, or any other persons, including small entities.

This rule does not contain information collection requirements which require approval of the Office of Management and Budget under the Paperwork Reduction Act. This rule also does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act.

The rule was drafted by Deborah Ryan, an attorney in the Division of General Law, Office of the Solicitor, and submitted by the Solicitor's Office to OHA as a proposal for its consideration. Substantial changes were made by Paul T. Baird, Director of OHA.

Lists of Subjects in 43 CFR Part 4

Administrative practice and procedure.

Dated: October 3, 1985.

Ann Dore McLaughlin,

Under Secretary.

Accordingly, 43 CFR Part 4, Subparts B, D, and I are amended as follows:

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

1. The authority citation for Part 4 continues to read as follows:

Authority: R.S. 2478, *as amended,* 43 U.S.C. 1201, unless otherwise noted.

Subpart B—General Rules Relating to Procedures and Practice

2. Section 4.5 is revised to read as follows:

§ 4.5 Power of the Secretary and Director.

(a) *Secretary.* Nothing in this part shall be construed to deprive the Secretary of any power conferred upon him by law. The authority reserved to the Secretary includes, but is not limited to:

(1) The authority to take jurisdiction at any stage of any case before any employee or employees of the Department, including any administrative law judge or board of the Office, except the Board of Contract Appeals, and render the final decision in the matter after holding such hearing as may be required by law; and

(2) The authority to review any decision of any employee or employees of the Department, including any administrative law judge or board of the Office, or to direct any such employee or employees to reconsider a decision, except decisions by the Board of Contract Appeals.

(b) *The Director.* Pursuant to his delegated authority from the Secretary, the Director may assume jurisdiction of or review any case before any board of the Office or direct reconsideration of any decision by any board of the Office except the Board of Contract Appeals.

(c) *Exercise of Reserved Power.* If the Secretary or Director assumes jurisdiction of a case or reviews a decision, the parties and the appropriate Departmental personnel will be advised in writing of such action, the administrative record will be requested, and, after the review process is completed, a written decision will be issued.

3. Section 4.27(b) is revised to read as follows:

§ 4.27 Standards of Conduct

* * * * *

(b) *Ex parte communication.*—(1) *Prohibition.* There shall be no communications concerning the merits of a proceeding between any party to the proceeding or any person interested in the proceeding or any representative of a party or interested person and any Office personnel involved or who may reasonably be expected to become involved in the decisionmaking process on that proceeding, unless the communication, if oral, is made in the presence of all other parties or their representatives, or, if written, is furnished to all other parties. Proceedings include cases pending before the Office, rulemakings amended Part 4 of this title that might affect a pending case, requests for reconsideration or review by the Director, and any other related action pending before the Office. The terms "interested person" and "person interested in the proceeding" include any individual or other person with an interest in the agency proceeding that is greater than the interest that the public as a whole may have. This regulation does not prohibit communications concerning case status or advice concerning compliance with procedural requirements unless the area of inquiry is in fact an area of controversy in the proceeding. Any oral communication made in violation of this regulation shall be reduced to writing in a memorandum to the file by the person receiving the communication and shall be included in the record. Any written communication made in violation of this regulation shall be included in the record. In proceedings other than informal rulemakings copies of the memorandum or communication shall be provided to all parties, who shall be given an opportunity to respond in writing.

(2) *Sanctions.*—The administrative law judge, board, or Director who has responsibility for the matter with respect to which a prohibited communication has been knowingly made may impose appropriate sanctions on the offending person or persons, which may include requiring an offending party to show cause why its claim, motion, or interest should not be dismissed, denied, or otherwise adversely affected; disciplining offending Office personnel pursuant to the Department's standards of conduct (43 CFR Part 20); and invoking such sanctions against other offending persons as may be appropriate under the circumstances.

Subpart D—Rules Applicable in Indian Affairs Hearings and Appeals

* * * * *

§ 4.317 [Amended]

4. In § 4.317, paragraph (b) is removed, and paragraph (c) is redesignated as paragraph (b).

Subpart I—Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions, and Administrative Review Under Part 17 of This Title—Nondiscrimination in Federally Assisted Programs of the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964

§ 4.832 [Amended]

5. The heading of § 4.832 is revised to read: § 4.832 Consultation and advice.

6. In § 4.832, paragraph (a) is removed, and paragraphs (b) and (c) are redesignated as paragraphs (a) and (b).

[FR Doc. 85–25747 Filed 10–28–85; 8:45 am]
BILLING CODE 4310–10–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 61

[Docket No. FEMA–FIA]

National Flood Insurance Program

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule; correction.

SUMMARY: This correction relates to the final rule that was published in the **Federal Register** on September 4, 1985 (50 FR 36016–36029), regarding changes in the National Flood Insurance Program (NFIP) regulations.

On page 36023 in the left-hand column in the definition of "Breakaway wall", the word "of" appearing between the words "building" and "supporting" should be "or". Also on page 36023, in the left-hand column in the definition of "Elevated building", the word "floor" appearing between the phrases "parallel to the" and "of the water" should be "flow". On page 36027 in the right-hand column, a subparagraph was added to paragraph B of the PROPERTY COVERED section of the General Property Form of the NFIP in Appendix A(2) to 44 CFR Part 61. The last existing subparagraph is numbered "3". The added subparagraph was inadvertently numbered "5", when it should have been numbered "4".

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 "C" Street, SW, Washington, D.C. 20472; telephone number (202) 646–3422.

Accordingly, in FR Doc. 85–21009, appearing on pages 36016–36029 in the issue of September 4, 1985, the following corrections are made:

PART 59—GENERAL PROVISIONS

§ 59.1 [Corrected]

1. On page 36023 in the left-hand column, the definition of "Breakway wall" is corrected by removing between the word "building" and the word "supporting" the word "of" and adding in its place the word "or".

2. On page 36023 in the left-hand column, the definition of "Elevated building" is corrected by removing between the words "parallel to the" and the words "of the water" the word "floor" and adding in its place the word "flow".

PART 61—INSURANCE COVERAGE AND RATES

Appendix A(2) of Part 61—[Corrected]

3. On page 36027 in the right-hand column, subparagraph "5" of paragraph B of the PROPERTY COVERED section is corrected by renumbering it as subparagraph "4".

Dated: October 9, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85–25712 Filed 10–28–85; 8:45 am]
BILLING CODE 6718–01–M

44 CFR Part 65

[Docket No. FEMA–6684]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Administrator, reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–2768.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the FIRM(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom

authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

State and County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Florida: Brevard	City of Palm Bay	Sept. 16, 1985 and Sept. 23, 1985, *Today.*	Hon. Richard Diamond, Deputy City Manager, City of Palm Bay, 175 N.W. Palm Bay Road, Palm Bay, Florida 32905.	Aug. 28, 1985	120404
Georgia: Cobb	Unincorporated areas	Oct. 11, 1985 and Oct. 18, 1985, *Marietta Daily Journal.*	Hon. Earl E. Smith, Chairman, Cobb County Board of Commissioners, 10 E. Park Square, P.O. Box 649, Marietta, Georgia 30061.	Sept. 30, 1985	130052
Georgia: Cobb	Unincorporated areas	Oct. 11, 1985, and Oct. 18, 1985, *Marietta Daily Journal.*	Hon. Earl E. Smith, Chairman, County Board of Commissioners, 10 E. Park Square, P.O. Box 649, Marietta, GA 30061.	Oct. 1, 1985	130052
Georgia: Gwinnett	Unincorporated areas	*Gwinnett Daily News, Sept. 16, 1985 and Sept. 23, 1985.*	Hon. Lillian Webb, Chairman County Commissioners, 240 Oak Street, Lawrenceville, Georgia 30245.	Sept. 9, 1985	130322
Georgia: Cobb	City of Marietta	Oct. 4, 1985 and Oct. 11, 1985, *Marietta Daily Journal.*	Hon. Robert E. Flournoy, Jr., Mayor, city of Marietta, P.O. Box 609, 205 Lawrence Street, Marietta, Georgia 30061.	Sept. 25, 1985	130226
Illinois: Kane	Village of West Dundee	Oct. 18, 1985 and Oct. 25, 1985	Hon. Richard Kraft, Mayor, Village of West Dundee, Village Hall, 102 South Second Street, West Dundee, IL 60118.	Oct. 4, 1985	170335
Indiana: Allen	City of Ft. Wayne	Sept. 27, 1985 and Oct. 4, 1985, *The News Sentinel.*	Hon. Winfield Moses, Mayor, City of Ft. Wayne, City/County Building, 1 Main Street, Ft. Wayne, Indiana 46802.	Sept. 16, 1985	180003
Louisiana: St. Mary Parish	City of Morgan City	Aug. 28, 1985 and Sept. 4, 1985, *The Daily Review.*	Hon. Cedric S. LaFleur, Mayor of the city of Morgan City, P.O. Box 1218, Morgan City, Louisiana 70381.	Aug. 16, 1985	220196
Ohio: Erie	Village of Bay View	*Sandusky Register, Oct. 7, 1985 and Oct. 14, 1985.*	Hon. Glen Harrelson, Mayor, Village of Bay View, 304 East Bay View Drive, Bay View, Ohio 44870.	Sept. 25, 1985	390595
Oklahoma: Oklahoma	City of Midwest City	*The Midwest Daily Sun* Aug. 15, 1985 and Aug. 22, 1985.	Hon. Dave Herbert, Mayor of the city of Midwest City, 100 N. Midwest Boulevard, P.O. Box 10570, Midwest City, Oklahoma 73140.	Aug. 6, 1985, Letter of Map Revision.	400405D
Texas: Dallas, Denton, and Collin Counties.	City of Carrollton	*Carrollton Chronicle,* Aug. 16, 1985 and Aug. 23, 1985.	Hon. Kenny Marchant, Mayor of the city of Carrollton, 1120 Metrocrest Drive, Carrollton, Texas 75006.	Aug. 9, 1985	480167C
Texas: El Paso	City of El Paso	*The El Paso Times,* May 17, 1985 and May 24, 1985.	Hon. Jonathan Rogers, Mayor of the city of El Paso, 2 Civic Center Plaza, El Paso, Texas 79999.	May 10, 1985	480214B
Texas: Harris, Fort Bend, and Montgomery Counties.	City of Houston	Oct. 11, 1985 and Oct. 18, 1985, *Houston Chronicle.*	Hon. Kathryn Whitmire, Mayor of the city of Houston, P.O. Box 1562, Houston, Texas 77251.	Sept. 30, 1985	480296
Texas: Bexar	City of San Antonio	Sept. 18, 1985 and Sept. 25, 1985, *San Antonio Light.*	Hon. Henry Cisneros, Mayor of the city of San Antonio, P.O. Box 9066, San Antonio, Texas 78285.	Sept. 11, 1985, letter of map revision.	480045C
Washington: Clallam	Unincorporated areas	Sept. 24, 1985 and Oct. 1, 1985, *The News.*	Hon. Harry Lydiard, Chairman, Clallam County Board of Commissioners, 223 East 4th Street, Port Angeles, Washington 98362.	Sept. 4, 1985	530021
Wisconsin: Green	City of Monroe	*Monroe Evening Times,* Aug. 12, 1985 and Aug. 19, 1985.	Hon. Patrick F. Thorpe, Mayor, city of Monroe, P.O. Box 200, 1110 18th Avenue, Monroe, Wisconsin 53566.	July 30, 1985	550162

Issued: October 9, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-25713 Filed 10-28-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78-72; Phase I; FCC 85-551]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order (MO&O).

SUMMARY: The Federal Communications Commission addresses petitions for reconsideration of modifications made to the access charge plan on further reconsideration, published on April 30, 1985, at 50 FR 18249. The MO&O affirms the decision to eliminate flat-rate charges for non-premium access services and require that these services be billed on a usage-sensitive basis. This action is taken in order to ensure effective competition in the interexchange market.

FOR FURTHER INFORMATION CONTACT: Sandra Eskin (202) 632-9342, William Kirsch (202) 632-6363.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 69

Access charges, Communications common carriers, Telephone.

Memorandum Opinion and Order

In the matter of MTS and WATS Market Structure (CC Docket No. 78-72, Phase I).

Adopted: October 17, 1985.

Released: October 23, 1985.

By the Commission: Commissioner Dawson dissenting.

I. Introduction

1. The *Third Report and Order* in this docket (*Access Charge Order*) [1] established comprehensive rules governing the process by which local telephone companies recover the costs of their facilities and services used in the origination or termination of interstate and foreign communications.[2]

[1] MTS and WATS Market Structure, Third Report and Order, 93 FCC 2d 241 (1983) (hereinafter *Access Charge Order*), *modified on reconsideration,* 97 FCC 2d 682 (1983) (hereinafter *First Reconsideration Order*), *modified on further reconsideration,* 97 FCC 2d 834 (1984) (hereinafter *Second Reconsideration Order*), *aff'd in principal part and remanded in part, Nat'l Ass'n of Regulatory Utility Comm'rs v. FCC.,* 737 F.2d 1095 (D.C. Cir. 1984), *cert. denied,* 105 S.Ct. 1224, 105 S. Ct. 1225 (1985), *modified on further reconsideration,* 49 Fed. Reg. 46, 383 (1984), 50 Fed. Reg. 18, 249 (April 30, 1985) (hereinafter *Third Reconsideration Order*), *appeal pending, U.S. Telephone, Inc., v. FCC,* Nos. 84-1115 and 85-1386 (D.C. Cir., filed March 23, 1984 and June 24, 1985).

[2] The Commission's separations procedures govern the apportionment of local telephone

Continued

These charges are assessed through access tariffs filed by the exchange carriers with this Commission and replace a variety of previous compensation mechanisms. In adopting this access charge plan, we sought to achieve a balance among the following four policy objectives: (1) Preservation of universal service; (2) elimination of unreasonable discrimination of preferences among rates for interstate services; (3) efficient use of the local network; and (4) prevention of uneconomic bypass.[3]

2. In the access charge plan, we also sought to maximize the opportunities for full and fair competition among interexchange carriers during the transition to "equal access," when the inequalities between the interconnection options offered AT&T and the other interexchange common carriers (OCCs) will be eliminated.[4] We did this in part by providing that AT&T would pay a premium access charge during this transition because the access to the local exchange it receives is superior to that available to the OCCs. This premium charge was to be phased out at approximately the same rate as equal access was phased in.

3. This Commission has subsequently amended these "access charge" rules in three orders on reconsideration. In each instance, we reaffirmed our commitment to the objectives set out in the *Access Charge Order,* while modifying in certain respects the means we had selected to achieve those objectives. In the *First Reconsideration Order,* we provided that the lump-sum premium charge on AT&T would be replaced with a 35 percent differential in the per minute charges for the carrier common line element assessed for premium and non-premium access.[5] In the *Second Reconsideration Order,* we provided that the differential between premium and non-premium access charges would be increased to 55 percent and applied to all access elements and that charges for non-premium access be assessed on a flat-rate, per line basis [6] for interexchange carriers providing MTS–WATS equivalent services.[7] In particular, we were concerned that usage-based access charges would result in a sudden and substantial increase in costs for those OCCs with above-average usage per line. We determined that 9,000 minutes per line was a reasonable estimate of average OCC usage and should be used to compute the monthly per line charge.[8] We also provided that non-premium rates would be phased-out on an end-office-by-end-office basis as equal access became available.

4. We addressed the issues raised in the petitions seeking reconsideration of the *Second Reconsideration Order* in two parts. In the first part of the *Third Reconsideration Order,* we addressed the assignment of Category 5 station equipment costs to the special access element and adopted an amendment to the Part 69 rules. In the second part of the *Third Reconsideration Order,* we concluded that the flat-rate charge for non-premium access for OCCs should be replaced with usage-sensitive charges, effective January 1, 1986. With the exception of these modifications, (and several minor perfecting amendments to the Part 69 rules), we reaffirmed the provisions of our access charge plan adopted in the *Second Reconsideration Order.*

5. In response to the *Third Reconsideration Order,* several parties have filed for further reconsideration of our decisions in this proceeding.[9] The issues raised in this fourth reconsideration round concern: (1) The implementation of usage-based charges for non-premium access; (2) LATA-wide access for terminating Feature Group A (FGA); and (3) the phase-out of the non-premium discount on an end-office-by-end-office basis. In this *Order,* we reaffirm our decision in the *Third Reconsideration Order* to eliminate flat-rate charges for non-premium access services and require that these services be billed on a usage-sensitive basis. Furthermore, we dismiss as untimely those petitions asking us to modify our access charge rules to require exchange carriers to provide LATA-wide access for terminating, non-premium FGA traffic and to provide for a phase-out of the non-premium discount on other than an end-office-by-end-office basis.

II. Summary of Comments

A. Usage-Based Charges for Non-Premium Access

6. GTE Sprint Communications Corporation (GTE Sprint), MCI Telecommunications Corporation (MCI), Satellite Business Systems (SBS) and United States Transmission Systems,

company investment and expense between the interstate and the intrastate jurisdictions and are set out in Part 67 of the Commission's Rules. *See* 47 CFR 67.1–67.701 (1984).

[3] *See Access Charge Order* at para. 122.

[4] The MFJ requires that the divested Bell Operating Companies (BOCs) provide all interexchange carriers with local exchange access "on an unbundled tariffed basis that is equal in type, quality and price to that provided to AT&T and its affiliates." *United States v. American Tel. and Tel. Co.,* 552 F. Supp. 131, 227 (D.D.C. 1982) ("*Modification of Final Judgment*" or "*MFJ*"), *aff'd sub nom. Maryland v. United States,* 460 U.S. 1001 (1983). GTE is required to implement equal access pursuant to a Consent Decree entered into with the Department of Justice to settle an antitrust challenge to GTE's acquisition of Sprint. *United States v. GTE Corporation,* 603 F. Supp. 730 (D.D.C. 1984). The remaining independent telephone companies are required to implement equal access in certain end offices pursuant to our order in Phase III of this docket. MTS and WATS Market Structure, CC Docket 78–72, Phase III, Report and Order, 50 FR 15547 (April 19, 1985).

[5] We also modified the original access charge plan by ordering: (1) A more gradual transition to subscriber line charges for residential and Centrex-CO subscribers; (2) establishment of a surcharge on private lines with the capacity to "leak" interstate traffic into the local exchanges; and (3) certain other changes in the distribution of access costs among users of access services. *See* 97 FCC 2d 682 (1983).

[6] In making this determination, we used the rates established in the Exchange Network Facilities for Interexchange Access (ENFIA) tariffs as a benchmark. The ENFIA tariffs were a result of an agreement between the pre-divestiture AT&T and some of the OCCs that governed the charges OCCs would pay for their use of local exchange facilities in completing their customers' interstate calls. The agreement constituted an interim measure to bridge the gap between the court decisions permitting the OCCs to offer services in direct competition with MTS and WATS, *MCI Telecommunications Corp. v. FCC,* 561 F.2d 365 (D.C. Dir. 1977), *cert. denied,* 434 U.S. 1040 (1978) *motion for an order directing compliance with the mandate granted,* 580 F.2d 590 (D.C. Cir. 1978), *cert. denied,* 439 U.S. 980 (1978), and our determination in this proceeding of an appropriate access charge structure for all interexchange carriers. *See* Exchange Network Facilities (ENFIA), Memorandum Opinion and Order, 71 FCC 2d 440 (1979). Thus, the system of access charges we have provided in the Part 69 rules was intended to supplant the ENFIA rate structure. *See Second Reconsideration Order* at paras. 51–55.

[7] In the *Second Reconsideration Order,* we further modified the access charge plan by deferring customer line charges for residential and single-line business subscribers pending further examination of various issues concerning the implementation of such charges. We also addressed the application of access charges to, *inter alia,* the closed end of WATS lines, the open end of foreign exchange lines (FX) lines, and "leaky" private lines. 97 FCC 2d 834 (1984). We subsequently referred a number of access charge issues to the existing Federal-State Joint Board in CC Docket No. 80–286. On November 15, 1984, the Joint Board adopted a recommendation for several modifications to our existing plan, including the implementation of subscriber line charges for residential and single-line business subscribers of $1.00 per month beginning June 1, 1985, with an increase to $2.00 per month beginning June 1, 1986. MTS and WATS Market Structure and Amendment of Part 67, Recommended Decision and Order, 49 FR 48325 (1984). On December 19, 1984, we adopted the Joint Board's recommendations with a few minor clarifications and changes. MTS and WATS Market Structure and Amendment of Part 67, Decision and Order, 50 FR 939 (1985). The $1.00 charge for residential and single-line subscribers did, in fact, go into effect on June 1, 1985.

[8] The non-premium per line charge is obtained by multiplying a hypothetical premium charge per access minute for each relevant access element by 4,050 (45 percent of 9000) minutes. *See Second Reconsideration Order* at para. 87.

[9] The parties filing petitions for reconsideration, oppositions, and reply comments are listed in Appendix A.

Inc. (USTS) seek reversal of our decision to require usage-based charges for FGA access beginning January 1, 1986. These OCCs argue that this action will increase their costs and that rather than fostering competition in the interexchange services marketplace, as suggested by the Commission, this change will have a negative impact on the OCCs' ability to compete with AT&T. GTE Sprint states that no OCC, large or small, protested the continued use of flat charges for FGA access.[10] MCI argues that Lexitel, in a petition the Commission cited in the *Third Reconsideration Order* in support of its decision, did not request that flat-rate FGA be eliminated, but only that the availability of a usage-based FGA option for OCCs be affirmed.[11] SBS contends that the Commission did not adequately explore alternative possibilities to address the problems it identified with the flat-rate charge, such as allowing the OCCs the option of choosing either flat or usage-based charges.[12] USTS agrees with SBS and argues that providing the OCCs with such an option would fully address the needs of small carriers, while allowing the larger carriers with high, per line usage levels to continue to benefit from the flat rate. It further contends that the Commission could eliminate potential abuses by restricting an OCC to either flat-rate or usage-based charges for all its lines in a LATA or a local exchange area.[13]

7. MCI and SBS assert that the flat-rate charge for FGA reflects the rate structure that has been in place since the original ENFIA agreement in 1976 and that the OCCs have designed their networks on the assumption that non-premium access will be priced on a flat-rate basis.[14] MCI also asserts that there is no record evidence to support the Commission's concerns about the potential role of the flat-rate charge as a barrier to entry.[15] It further argues that eliminating the flat rate will result in higher costs for those OCCs that have the best chance of surviving the transition to equal access.[16] USTS states that it has scaled its operations to achieve above-average access line loadings and the abrupt change to a usage-based structure will result in a sixty percent increase in its FGA access costs.[17] Finally, GTE Sprint argues that there is an insufficient record to support the Commission's conclusion that measurement capabilities are no longer a barrier to the implementation of usage-based charges for FGA and FGB services.[18]

8. American Telephone and Telegraph Company (AT&T) and several Bell Operating Companies (BOCs) [19] oppose the OCCs' petitions. AT&T argues that the OCCs' attack on the Commission's decision to implement usage-based charges for FGA access is merely an attempt to gain an unfair competitive advantage by expanding the differential for non-premium access.[20] AT&T argues that, contrary to the contentions of some OCCs, the Commission has not altered the discount for non-premium access by eliminating the flat rate, but simply has made the discount equal for all OCCs based on actual usage.[21] AT&T asserts that this is not a shift in regulatory policy, but a conformance to the clearly stated of nondiscrimination.[22] AT&T states that, as GTE Sprint recognizes, allowing OCCs to order non-premium FGA on either a flat rate or usage-sensitive basis, at their option, would result in a discount to the OCCs greater than the 55 percent established by this Commission.[23]

9. The BOCs contend that the flat-rate structure has encouraged inefficient use of the local network, since it permits the OCCs to increase their minutes of use per line, and thereby impose additional costs on the local exchange carriers, without requiring the payment of any additional charges. They argue that this is not consistent with the Commission's general policy of requiring cost-based rates. Ameritech argues that the petitioning OCCs seek to extend the artificial advantage that comes with a choice of rate structures and that the Commission's duty is to protect the public interest, not the special advantages of a few access customers.[24] In addition, NYNEX asserts that a usage-based structure is more consistent with the Commission's efforts to promote greater competition in the interexchange marketplace.[25]

10. Pacific Bell contends that whatever the level of the discount, it should be applied evenly to all OCCs and that such equality of treatment cannot be achieved with a flat rate.[26] Pacific Bell adds that it has measurement capabilities in 95% of its FGA offices.[27] Ameritech states that the nine-month interim period allows sufficient time for the OCCs to perform desired reconfigurations and adds that Illinois Bell is able to measure usage on approximately 97% of all its FGA lines.[28]

11. In reply to these oppositions, MCI states that a comprehensive look at the transition to equal access, including reconsideration of the decision to eliminate the flat-rate option for FGA, is necessary if the goals the Commission set forth in this docket are to be accomplished.[29] GTE Sprint argues that the record still lacks adequate information on the extent of measurement capabilities in exchange carriers end offices.[30] GTE Sprint contends that the Commission's conclusion that such capability is widespread is inconsistent with the fact that NECA's interstate tariff and at least 42 BOC intrastate access tariffs contain provisions for assumed usage in instances where usage cannot be measured. GTE Sprint asserts that the Commission should initiate an additional proceeding to gather information from the exchange carriers about their ability to measure FGA usage to determine whether the elimination of flat-rate charges will force them to invest in measuring equipment that will become useless with the implementation of equal access. Finally, GTE Sprint argues that the BOCs have not explained why a usage-based system of access charges is more cost-based than a flat-rate system, since most access costs are non-traffic sensitive (NTS) and have no relation to an OCC's minutes of use.[31]

B. LATA-Wide Access for Terminating FGA

12. Ad Hoc Telecommunications Users Committee (Ad Hoc) and MCI request that we reconsider our decision that the tariff process is the proper forum for the resolution of the issue of LATA-wide access for terminating non-premium FGA traffic. Ad Hoc believes that the Commission should institute a rulemaking to resolve the issue of LATA-wide access for FGA and clarify that the *Third Reconsideration Order* does not permit exchange carriers to

[10] GTE Sprint Petition at 3–4.
[11] MCI Petition at 8.
[12] SBS Petition at 4.
[13] USTS Petition at 5–6.
[14] SBS Petition at 2–3; MCI Petition at 6.
[15] MCI Petition at 6–7.
[16] *Id.* at 8.
[17] USTS Petition at 3.
[18] GTE Sprint Petition at 8–10.
[19] Ameritech, Bell Atlantic, NYNEX and Pacific Bell filed oppositions to the OCCs' petitions.
[20] AT&T Opposition at 1–2.
[21] AT&T Opposition at 4.
[22] *Id.* at 5.
[23] *Id.* at 8 citing GTE Sprint's Petition at 7.
[24] Ameritech Opposition at 5.
[25] NYNEX Opposition at 5.
[26] Pacific Bell Opposition at 4.
[27] *Id.* at 4–5.
[28] Ameritech Opposition at 6–8.
[29] MCI Reply Comments at 9.
[30] GTE Sprint Reply at 2–4.
[31] *Id.* at 4.

impose intrastate toll charges to carry OCC interstate traffic to distant points in a LATA.[32] MCI asserts that LATA-wide access is a tariff issue only to the extent that the appropriate local transport rate level is concerned.[33] Aeronautical Radio, Inc. (ARINC) and the Alternative Carrier Telecommunications Association (ACTA) support these petitions. ARINC believes that the Commission should establish an appropriate and uniform rate structure for FGA transport charges and argues that the tariff review process would only permit consideration of these charges on a piecemeal basis.[34]

13. The National Exchange Carrier Association (NECA), the Southern New England Telephone (SNET), and NYNEX oppose reconsideration of our decision on LATA-wide access for terminating FGA. These parties agree with the Commission's determination that the tariff process is the appropriate forum for addressing this issue. NECA and NYNEX argue that Ad Hoc's concern about the potential for exchange carrier double recovery is clearly unfounded. NECA and NYNEX point out that if the service area associated with the provision of terminating FGA is defined as the local calling area, only those costs associated with facilities used to transport the call within the local calling area are assigned to the interstate jurisdiction under Part 67.[35] NECA and SNET argue that to the extent an exchange carrier cannot identify jurisdictional usage of FGA access arrangements, customers have an incentive to engage in tariff shopping to achieve a lower rate.[36] SNET adds that it has experienced attempts by large customers to purchase the lower priced interstate FGA lines as replacements for intrastate services.[37] And SNET states that, in any event, Ad Hoc's petition does not provide any new information that was not already considered in the Commission's decision on FGA LATA-wide access.[38]

14. MCI replies that the Commission's rules do not allow the application of intrastate toll charges to interstate FGA traffic.[39] Ad Hoc added that it is unaware of any cost support data showing that FGA rates have been reduced by deducting from the local transport charges those costs that are associated with transporting a call outside of the local calling area.[40] Ad Hoc argues that, to the extent an exchange carrier attempted to differentiate transport costs in this manner, it would be in violation of Commission and court rulings.[41] Ad Hoc contends that the opponents of its petition cannot justify surcharging FGA service with intrastate toll charges and that its petition should be granted to assure that FGA charges are cost supported and not unlawfully discriminatory.[42]

C. Phase-Out of the Non-Premium Discount on an End-Office Basis

15. Lexitel requests reconsideration of the Commission's decision to phase-out the non-premium discount when Feature Group D (FGD) becomes available in an individual end office. Lexitel asserts that based on actual experience with end-office conversion procedures, it has become apparent that the end-office-by-end-office implementation of FGD and the related presubscription procedures utilized by the exchange carriers are not producing fair opportunities for interexchange competition.[43] Lexitel believes that FGD deployment and the application of premium rates should be related to LATAs or markets, and not to end offices. Lexitel further contends that even when FGD is implemented, it is not equal access for certain services, such as 800 service.

16. AT&T and several BOCs[44] oppose Lexitel's petition. AT&T argues that the Commission already has rejected the requests of several OCCs, including Lexitel, to abandon the end-office approach to phasing out the discount.[45] AT&T contends that Lexitel's present request is repetitious and does not present new or unique circumstances that warrant reconsideration. AT&T adds that, contrary to Lexitel's assertion, the so-called "NXX-Plan" will allow all interexchange carriers to provide 800 service.[46] Bell Atlantic states that its current equal access implementation plans are entirely consistent with the Commission's objectives and do not provide any justification for further modifications to the discount rate structure.[47] NYNEX points out that many of the issues raised by Lexitel have also raised by four OCCs in a Joint Petition for Expedited Rulemaking on the status of competition in the interLATA market and asserts that these issues would be more appropriately addressed in that proceeding.[48] Pacific Bell argues that once equal access is available, there is no justification for delaying the application of premium rates.

17. Lexitel replies that factual information obtained by the Commission subsequent to the adoption of a decision should be considered in determining whether the original decision was proper.[49] In this instance, Lexitel argues that, while its petition is technically untimely, the actual experience with the FGD conversion process demonstrates that the assumptions underlying the non-premium access phase-out need to be reconsidered.[50]

III. Discussion

A. Usage-Based Charges for Non-Premium Access

18. In this proceeding we have considered at length what the appropriate level and rate structure should be for the charges that OCCs pay for non-premium access in end offices not yet converted to equal access.[51] In the *Third Reconsideration Order,* we determined that the establishment of usage-based charges for non-premium access was necessary to avoid any unreasonable discrimination against smaller, newer OCCs whose average usage levels are below the monthly, per line figure of 9,000 minutes of use (MOU) on which the flat-rate charge is based. We also provided for a transition period for the establishment of the new rate structure for non-premium access, by directing that the present rate structure remain in effect through the end of this year. In this *Order,* we reaffirm those decisions.

19. A number of larger OCCs assert that our concerns about small OCCs are misplaced, as evidenced by the lack of opposition from these latter carriers to

[32] Ad Hoc Petition at 1–2.

[33] MCI Petition at 2–5.

[34] ARINC Comments at 4–5.

[35] NECA Opposition at 2; NYNEX Opposition at 6.

[36] NECA Opposition at 2; SNET Opposition at 5.

[37] SNET Opposition at 5.

[38] SNET Opposition at 1–2.

[39] MCI Reply Comments at 5–6.

[40] Ad Hoc Reply Comments (June 13, 1985) at 2–3.

[41] *Id.* at 3–4.

[42] Ad Hoc Reply Comments (July 18, 1985) at 3–7.

[43] Lexitel Petition at 2–13.

[44] Bell Atlantic, NYNEX and Pacific Bell.

[45] AT&T Opposition at 12–14.

[46] *Id.* at 12–14.

[47] Bell Atlantic Opposition at 3.

[48] NYNEX Opposition at 4.

[49] Lexitel Reply Comments at 2.

[50] Lexitel subsequently filed a motion for leave to file supplemental reply comments to address the issue of the availability of 800 Service Access to the OCCs. AT&T opposed Lexitel's motion. In light of our holding that the 800 Service issue is not properly raised in this reconsideration round and the fact that this issue has been properly raised, and will be addressed, in other proceedings, we deny Lexitel's motion. *See infra* at paras. 28–29.

[51] *See Access Charge Order* at paras. 151–68, *First Reconsideration Order* at paras. 91–127, and *Second Reconsideration Order* at paras. 51–92.

the continued use of flat charges for FGA access. However, Lexitel, TDX, and ATE—all relatively small OCCs—sought Commission action clarifying that they could obtain non-premium FGA access lines on a usage-sensitive basis.[52] These carriers asserted that their ability to compete in the interexchange marketplace would be seriously impaired if they were required to purchase non-premium access on a flat-rate basis. Indeed, Lexitel asserted that under a flat-rate structure:

> smaller OCCs and resellers, who often are recent entrants into the long distance services market, would pay access rates in excess of their own usage to subsidize rates paid by the larger, older OCCs below that warranted by their usage. This is unlawfully discriminatory and violative of Commission policies.[53]

To support this position, Lexitel pointed out that under the NECA flat-rate tariff, its non-premium rate, given its average usage level of 7500 MOU per line per month, computed to $0.045 per minute, while GTE Sprint, averaging over 12,000 MOU per line per month, paid only $0.028 per minute, a differential of 60% in access costs.[54] Thus, to the extent that GTE Sprint and MCI are asserting that the smaller OCCs are indifferent about whether Part 69 provides for usage-based or flat-rate charges for non-premium FGA access, they are clearly incorrect.

20. These petitioners' real argument is that we should provide all OCCs with the option of ordering non-premium access on either a flat-rate or usage-sensitive basis. This, in effect, would make the phenomenon referred to in the *Third Reconsideration Order* as the "FX Loophole" a permanent feature of our access charge rules. While we concluded in the *Third Reconsideration Order* that Part 69 did not prohibit the use of the FX loophole by OCCs, it was never our intent to have the FX loophole become a permanent part of our rules. We decided to continue the present rate structure, including the FX loophole, until January 1, 1986, only because the available alternatives were unacceptable—*i.e.*, moving immediately to a full usage-based rate structure would not have provided the larger OCCs with an adequate transition period, and closing the FX loophole, by requiring that the flat rate be applied to all OCC non-premium access during that transition period, would have been unduly harmful to the smaller OCCS.

21. The establishment of usage-based charges for non-premium access will ensure that the prescribed 55% discount—no more, no less—will be applied to all the non-premium traffic of the OCCs, both individually and as a group. The continuation of a flat-rate, non-premium access charge for OCCs with over 9,000 minutes of use, in conjunction with usage-based charges for OCC lines with lower usage, would not fully address the problem of differing treatment between large and small OCCs. Furthermore, such a rate structure would result in an overall OCC discount for non-premium access that would exceed the prescribed 55% level.[55]

22. Some larger OCCs have asserted that the decision to implement usage-based charges for non-premium access impacts most negatively on those OCCs with the greatest chance of surviving the transition to equal access and that assistance to such OCCs would have a positive effect on the smaller OCCs as well, with such actions providing investor confidence in the OCCs generally. It would not be appropriate policymaking, however, for us to slant our rules to favor firms that we forecast will be "winners" in the competitive battle and, in effect, write-off other competitors that we forecast will be "losers." It is for the marketplace, not this Commission, to determine which competitors will be "winners" and "losers." It is the responsibility of this Commission to ensure that all carriers receive an equal opportunity to compete in that marketplace. The establishment of usage-based charges for non-premium access will provide all OCCs with that equal opportunity.

23. Some OCCs also complain that the shift to usage-based charges will be seriously disruptive to their network design activities and overall planning. We are sensitive to the fact that OCCs need time to adjust their plans in light of this change in the non-premium rate structure. It was for this reason that we provided an extensive transition period for the shift to usage-based charges. We are confident that the implementation of such charges on January 1, 1986,—more than nine months after the adoption of the *Third Reconsideration Order*—provides that this change will not be unduly disruptive to the operations of the larger OCCs, who have made the greatest use of flat-rate, non-premium access.

24. We also find no basis for reversing our decision to require usage-based charges in GTE Sprint's unsupported assertions that there may be a substantial number of end offices without measurement capability. Indeed, all the evidence on this point in the record indicates that the vast majority of end offices do have such measurement capability.[56] While GTE Sprint attempts to dismiss this evidence as not comprehensive enough, it presents no evidence of its own to the contrary.[57] While in other circumstances we might decide to supplement an existing rulemaking record by undertaking the type of data-gathering exercise GTE Sprint asserts is necessary here, we conclude that the need for such an exercise, which would delay the implementation of an important change in the rate structure for non-premium access, is not invoked by the bare assertions in GTE Sprint's petition.

25. In any event, the gravamen of GTE Sprint's complaint—that the establishment of a usage-based rate

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[52] *See Third Reconsideration Order* at paras. 14–20.

[53] Lexitel Petition for Clarification, CC Docket Nos. 78–72, Phase I, and 83–1145, Phase I (February 21, 1985) at Summary.

[54] *See Third Reconsideration Order* at n. 40.

[55] For example, Ameritech states that approximately one-half of Illinois Bell's OCC FGA lines carry more than 9000 MOU per line per month and approximately half carry less than that. It adds that the average usage per month on lines that exceed 9000 MOU is 13,199 MOU, while the average usage for lines with usage below 9000 MOU is 5133 MOU. Ameritech Opposition at 7. Thus, if the FX loophole were made a permanent part of the access charge plan, the non-premium discount for OCCs in the aggregate in Illinois Bell's operating area would be approximately 62%. (This is assuming that all lines with average usage above 9000 MOU would be paid for on a flat-rate basis, and all lines with less than 9000 MOU would be paid for on a usage-sensitive basis.) On the other hand, under a pure flat-rate structure, in Illinois Bell's operating area, traffic on FGA lines with more than 9000 MOU per line would receive on average a 69% discount, while traffic on FGA lines with less than 9000 MOU per line would receive only a 21% discount.

[56] Pacific Bell states that it has measurement capability in 95% of its FGA offices. Pacific Bell Opposition at 4–5. Ameritech states that Illinois Bell can measure usage on 97% of its FGA lines. Ameritech Opposition at 7. Furthermore, in a recent order addressing rate structure tariff revisions filed by NECA and certain BOCs, we estimated that approximately 95% of all end offices are currently equipped with measurement capability, and found that this number will continue to rise as local exchange carriers install measurement equipment in an increasing number of end offices. National Exchange Carrier Association, Inc., Memorandum Opinion and Order, Trans. No. 60, Memorandum Opinion and Order, Mimeo No. 6564, released August 23, 1985, at n. 30.

[57] GTE Sprint's references to exchange carrier tariff provisions for assumed usage in end offices where actual usage cannot be measured does not constitute such evidence. Any exchange carrier with measurement capability in less than 100% of its end offices (such as Pacific Bell and Illinois Bell, which clearly can measure usage on the vast majority of FGA lines) must include some provisions in its tariffs to bill for traffic in those end offices where usage cannot be measured. Such provisions simply indicate that measurement capability is not universal, and not that there is a widespread absence of such capability.

structure for non-premium access will require substantial expenditures by the exchange carriers to install equipment with measurement capability—is simply incorrect. There has never been any provision in the Part 69 rules requiring the installation of such equipment and the *Third Reconsideration Order* made no change in this regard. The presently effective rules do provide for the provision of FGA on a usage-sensitive, as well as a flat-rate, basis. Indeed, it is the availability of this usage-based option that gave rise to the "FX loophole" phenomenon discussed above. But we have permitted exchange carriers without measurement capability in their end offices to bill all their FGA customers on a flat-rate basis. This situation will not change on January 1, 1986—that is, in end offices without measurement capability, FGA may continue to be billed on a flat-rate basis. We recently addressed the mechanics for implementing such flat-rate charges, both for the transition period ending January 1, 1986, and thereafter.[58] Thus, in those end offices without measurement capability, GTE Sprint will be able to continue to receive FGA access on a flat-rate basis, a result which presumably it will find advantageous, and not detrimental to its interests.

B. LATA-Wide Access for Terminating FGA

26. The petitions for reconsideration raising the issue of LATA-wide access for terminating FGA traffic are procedurally defective. As we noted in the *Third Reconsideration Order,* the Part 69 rules do not specify any particular geographic scope for the transport element. This was true when the rules were originally promulgated, and none of the subsequent reconsideration orders, including the *Third Reconsideration Order,* made any change in this regard. Therefore, the requests for reconsideration of this issue are dismissed as untimely.

27. Furthermore, we reaffirm our conclusion that the tariff review process provides the proper forum for resolving any concerns about LATA-wide access for terminating non-premium FGA traffic. Indeed, in the recent access tariff filings, some exchange carriers filed tariff revisions to impose intrastate toll rates on FGA traffic terminating outside the local calling area (the practice that the petitioners here appear most concerned with), and these proposals attracted substantial comment. In a recent Order, the Common Carrier Bureau rejected these proposed changes.[59] If review of this aspect of the Bureau Order is sought before the Commission, we will address the Bureau's holding on this issue. Thus, we see no basis for concluding that the tariff review process is not providing for adequate ventilation and resolution of these issues.

C. Phase-Out of the Non-Premium Discount on an End-Office Basis

28. The *Third Reconsideration Order* also affirmed the determination we made in the *Second Reconsideration Order* that the non-premium discount should be phased-out on an end-office-by-end-office basis.[60] In doing so, we rejected petitions for reconsideration filed by a number of OCCs on this aspect of the access charge plan. Therefore, the petition for reconsideration of this issue filed by Lexitel is repetitious and untimely.

29. Moreover, the issue of the phase-out of the non-premium discount is raised in the joint rulemaking petition filed by four OCCs addressing the status of competition in the interLATA services market.[61] This petition and the responsive pleadings (including comments filed by Lexitel) raise all the factual and policy issues identified by Lexitel in its reconsideration petition. We believe that, to the extent it is appropriate to address this issue again in light of new facts or changed circumstances, the OCC joint petition provides the proper vehicle for that reexamination. In this reconsideration round, Lexitel also has attempted to raise, in the first instance, the issue of interexchange carrier access to 800 Service. This request also is not timely. In addition, this issue is also raised in the OCC joint petition and related issues have been raised in a petition Bell Atlantic has filed for a rulemaking to address the exchange carriers' 800 Service obligations under the Communications Act.[62] We conclude that it also is more appropriate to address the 800 Service issue in one of those proceedings, in which it has been properly raised.

IV. Ordering Clauses

30. Accordingly, it is hereby ordered, that pursuant to 47 U.S.C. 154 (i) and (j), 201, 202, 203, 205, 218, and 403, and 5 U.S.C. 553, the petitions for reconsideration of the *Third Reconsideration Order* are denied.

31. It is further ordered, that the Motion for Leave to File Supplemental Reply Comments requested by Lexitel is DENIED.

32. It is further ordered, that the Secretary shall cause this order to be published in the **Federal Register.**

William J. Tricarico,

Secretary.

Appendix A

The following parties filed petitions for reconsideration or clarification:

The Ad Hoc Telecommunications Users Committee (Ad Hoc)
GTE Sprint Communications Corporation (GTE Sprint)
Lexitel Corporation
MCI Telecommunications Corporation (MCI)
Satellite Business Systems (SBS)
United States Transmission Systems, Inc. (USTS)

The following parties filed oppositions to, or comments, on the petitions:

Aeronautical Radio Inc. (ARINC)
The Alternative Carrier Telecommunications Association (ACTA)
Ameritech Telephone and Telegraph Company (AT&T)
The American Companies
Bell Atlantic
National Exchange Carrier Association (NECA)
NYNEX
Pacific Bell
The Southern New England Telephone Company (SNET)

The following parties filed reply comments to the oppositions or comments:

The Ad Hoc Telecommunications Users Committee (June 13, 1985 and July 18, 1985)
American Telephone and Telegraph Company
GTE Sprint Communications Corporation

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[58] *See NECA Order, supra* note 56, at para. 19. In that Order, we required NECA and the BOCs to establish a new surrogate for use at end offices lacking measurement capability (based on data drawn exclusively from such end offices) by the January 1, 1986, implementation date for usage-based non-premium access charges.

[59] *See In the Matter of Annual 1985 Access Tariff Filings,* Memorandum Opinion and Order (Common Carrier Bureau), Mimeo No. 7401 (released September 30, 1985) (hereinafter *Access Tariff Order*). In this Order, the Bureau noted at the outset that the proposed tariff revisions raised a rate question, and not a question dealing with the geographic scope of FGA terminating access. It concluded that when a local exchange company provides terminating service for interstate calls, whether within the local calling area or the LATA, it must apply interstate access charges; and, therefore, the Bureau declared unlawful those proposed tariff revisions that purported to apply another, intrastate rate. *See Access Tariff Order* at paras. 104–09.

[60] *See Third Reconsideration Order* at paras. 26–30.

[61] GTE Sprint Communications Corporation, United States Transmission Systems, Inc., Allnet Communications, Inc. and US Telecom Inc., Joint Petition for Expedited Rulemaking, RM–5057, Public Notice, Mimeo No. 5287, June 20, 1985.

[62] Bell Atlantic Petition for Rulemaking, RM 5101, Public Notice, Mimeo No. 5985, July 24, 1985.

Lexitel Corporation
MCI Telecommunications Corporation
United States Transmission Systems, Inc.

[FR Doc. 85–25679 Filed 10–28–85; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 85–72; RM–4899]

TV Broadcast Station in Altus, OK; Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes noncommercial educational UHF TV Channel *27 for Channel *19 at Altus, Oklahoma, at the request of Thornberry Television, Ltd. The substitution of channels will permit Station KJTL–TV at Wichita Falls, Texas, to relocate its transmitter and upgrade its facilities in compliance with the Commission's mileage separation requirements.

EFFECTIVE DATE: November 29, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Altus, Oklahoma) (MM Docket No. 85–72, RM–4899).

Adopted: October 15, 1985.

Released: October 23, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 50 FR 14952, published April 16, 1985, proposing the substitution of noncommercial education UFH TV Channel *27 for Channel *19 at Altus, Oklahoma, at the request of Thornberry Television, Ltd. ("Thornberry"). Comments were filed by Thornberry [1] and the Oklahoma Educational Television Authority ("OETA").

2. Thornberry, permittee of Station KJTL–TV, Channel 18, at Wichita Falls, Texas, applied for a construction permit to relocate its transmitter and upgrade its facilities. However, its new transmitter site would create a 9 mile short-spacing to the reference coordinates for unused and unapplied for Channel *19 at Altus. Thus, it sought the substitution of Channel *27 at Altus.

3. OETA states that it has operated a translator station on Channel *19 at Altus for more than seven years. While it does not object to the substitution of channels, *per se*, requests that it be allowed to continue operating on Channel *19 or if that is not possible, that the change of channel be done by modifying its license herein, and that it be given enough time to effect an orderly transition.

4. Thornberry states that the Commission has granted it a waiver of the mileage separation requirements, based upon its efforts to eliminate the short-spacing to the Altus channel, and authorized Station KJTL–TV to construct at its new site. It has now completed the construction, commenced program test operations, and applied for a covering license. According to Thornberry, KJTL–TV and OETA's translator have coexisted peacefully since the station commenced operations from the new transmitter site. However, it contends that any impact which station KJTL–TV's operation might have on OETA's translator service is not relevant here in that translators are a secondary service and thus not entitled to interference protection from any new or existing full power television service.

5. Channel *27 can be allocated to Altus in compliance with the Commission's minimum distance separation and other technical requirements. We agree with Thornberry that OETA's translator operation at Altus can continue to operate on Channel *19 so long as it does not cause harmful interference to any full service television operation. As a secondary operation, however, it is not entitled to any such interference protection to its own operation. See § 74.702 of the Commission's Rules. Should OETA ultimately decide to change its channel of operation, it must file a new application specifying its requested frequency as we cannot modify its license herein. See *Report and Order*, BC Docket 78–253, 51 R.R. 2d 476 (1982).

PART 73—[AMENDED]

6. We believe the public interest would be served by substituting Channel *27 for Channel *19 at Altus as it will permit expanded television service to Wichita Falls, Texas, by Station KJTL–TV. Accordingly, it is ordered, that effective November 29, 1985, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended, with respect to the community listed below, to read as follows:

City	Channel No.
Altus, OK	*27

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau (202) 634–6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85–25683 Filed 10–28–85; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 516 and 552

[APD 2800.12 CHGE 18]

Acquisition Regulation; Types of Contracts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) Chapter 5, is amended to add Subpart 516.2 to provide implementing instructions regarding the use of Economic Price Adjustment clauses; to add sections 516.301–3, 516.306, 516.403, and 516.603–3 to provide instructions on the format and signatory authority for various determinations and findings required in connection with the use of different types of contracts; to add section 516.405 to provide instructions on the development of appropriate award fee clauses; and to add section 552.216–71 to provide the text of an Economic Price Adjustment clause to be

[1] Thornberry filed a Motion for Leave to accept its late-filed comments. It states that it had not realized the necessity for filing further comments in support of the Altus substitution. Thus, when brought to its attention by the staff, it promptly filed the required comments. We find that Thornberry's comments should be accepted for the purpose of confirming its intention to relocate and upgrade its Wichita Falls operation.

used in Federal Supply Service (FSS) multiple award schedule contracts. The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: October 18, 1985.

FOR FURTHER INFORMATION CONTACT: L. Gaye Hirz-Kester, Office of GSA Acquisition Policy and Regulations (VP), (202) 523–4763.

SUPPLEMENTARY INFORMATION:

Background

On April 24, 1985, the General Services Administration published in the **Federal Register** (50 FR 16115) GSAR Notice No. 5–16 inviting comments from interested parties on these proposed changes to the regulation and provided a 30-day comment period. The comments received from the American Bar Association and various GSA offices have been reviewed, reconciled, and incorporated, when appropriate, in this final rule.

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). The rule has no impact outside the agency. It establishes signatory approval levels within the agency for determination and findings required to use certain types of contracts. The rule also establishes procedures for the preparation and approval of certain types of contract clauses. Accordingly, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq.

List of Subjects in 48 CFR Parts 516 and 552

Government procurement.

1. The authority citation for 48 CFR Parts 516 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. The table of contents for Part 516 is amended by adding entries for sections 516.203, 516.203–4, 516.203–70, 516.301, 516.301–3, 516.306, 516.403, 516.405, 516.603, and 516.603–3 as set forth below:

PART 516—TYPES OF CONTRACTS

Subpart 516.2—Fixed-Price Contracts

Sec.

516.203 Fixed-price contracts with economic price adjustment.
516.203–4 Contract clauses.
516.203–70 EPA in FSS multiple award schedules.

Subpart 516.3 Cost-Reimbursement Contracts

516.301 General.
516.301–3 Limitations.
516.306 Cost-plus-fixed-fee contracts.

* * * * *

Subpart 516.4 Incentive Contracts

516.403 Fixed-price incentive contracts.
516.405 Contract clauses.

Subpart 516.6 Time-and-Materials, Labor-Hour, and Letter Contracts

516.603 Letter contracts.
516.603–3 Limitations.

3. Subpart 516.2 is added to read as follows:

Subpart 516.2—Fixed-Price Contracts

516.203 Fixed-price contracts with economic price adjustment.

516.203–4 Contract clauses.

(a) When the contracting officer makes a determination, in accordance with FAR 16.203–4(d), to use a clause which provides for adjustments based on cost indexes of labor or material, the clause shall be prepared with the advice and assistance of counsel and be approved by the contracting director. The contracting officer shall describe in the contract clause—

(1) The type of labor and/or material subject to adjustment;

(2) The labor rates, including fringe benefits (if any) and/or unit prices of materials that may be increased or decreased;

(3) The index(es) that will be used to measure changes in price levels and the base period or reference point from which changes will be measured; and

(4) The period during which the price(s) will be subject to adjustment.

(b) In Federal Supply Service (FSS) multiple award schedule (MAS) procurements the contracting director will make a determination, in accordance with FAR 16.203–2, to use an Economic Price Adjustment (EPA) clause. In making that determination, the term of the resulting MAS contract will be considered. An EPA clause will generally be included in multiyear contracts but normally will not be used in 1-year contracts. In 1-year contracts, when the contracting director has made a determination to use an EPA clause and the prices are to be negotiated on the basis of discounts from established catalog prices of products sold in substantial quantities to the general public, the contracting officer shall include the basic clause at GSAR 552.216–71 in MAS solicitations and contracts. In multiyear contracts, the alternate clause will be used under these conditions. These clauses are to be used instead of the FAR clauses at 52.216–2, 3, and 4.

516.203–70 EPA in FSS multiple award schedules.

(a) If the FSS multiple award schedule solicitation contains an Economic Price Adjustment clause, the contracting officer should establish negotiation objectives which reflect the terms of the clause with a view toward obtaining appropriate discounts. If the clause is not included in the initial solicitation but is negotiated in, it must be added to the schedule contract at the time of contract award. However, its inclusion is contingent on the approval of the contracting director, the need for an Economic Price Adjustment clause, and the concessions granted by the offeror for its inclusion in the contract.

(b) The contract price ceiling may be raised during the contract period only under the following conditions:

(1) Analysis of the current market conditions reveals that the original contract price ceiling is inadequate. This analysis shall be conducted in conjunction with the Office of Procurement (FC):

(2) The causes which require an increase in the price ceiling are not unique to an individual contractor, but affect all suppliers for similar products. Determinations to raise the ceiling must be approved by the head of the contracting activity.

4. Sections 516.301, 516.301–3 and 516.306 are added to read as follows:

516.301 General.

516.301–3 Limitations.

The determination and findings (D&F) required by FAR 16.301–3(c) shall be prepared in the format prescribed by GSAR 501.704–70(a)(1) and be signed by the appropriate official in accordance with Table 501–1 of this regulation (see GSAR 501.707).

516.306 Cost-plus-fixed-fee contracts.

Signatory authority for the determination and findings (D&F), required by FAR 16.306(c)(2), is delegated to the heads of contracting activities or their designees (see GSAR 501.707).

5. Subparts 516.4 and 516.6 are added to read as follows:

Subpart 516.4—Incentive Contracts

516.403 Fixed price incentive contracts.

The determination and findings (D&F) required by FAR 16.403(c) shall be prepared in the format prescribed by GSAR 501.704–70(a)(1) and be signed by the appropriate official in accordance with Table 501.1 of this regulation (see GSAR 501.707).

516.405 Contract clauses.

Award fee clauses developed by contracting officers, in accordance with FAR 16.405(e), shall be prepared with the advice and assistance of counsel and be approved by the contracting director.

Subpart 516.6—Time-and-materials, Labor-Hour, and Letter Contracts

516.603 Letter Contracts.

516.603–3 Limitations.

Signatory authority for the determination and findings (D&F) required by FAR 16.603–3 is delegated to the heads of contracting activities or their designees (see GSAR 501.707).

6. The table of contents for Part 552 is amended by adding section 552.216–71 as set forth below:

PART 522—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 552.2 Text of Provisions and Clauses

* * * * *

Sec.

552.216–71 Economic Price Adjustment—FSS Multiple Award Schedule Contracts.

* * * * *

7. Section 552.216–71 is added to read as follows:

552.216–71 Economic Price Adjustment—FSS Multiple Award Schedule Contracts.

As prescribed in GSAR 516.203–4(b), insert the following clause:

Economic Price Adjustment (Oct. 1985)

Price adjustments include price increases and price decreases. Adjustments will be considered as follows:

(a) Contractors shall submit price decreases anytime during the contract period in which they occur. Price decreases will be handled in accordance with the provisions of the Price Reduction Clause.

(b) Contractors may request price increases under the following conditions:

(1) Increases resulting from a reissue or other modification of the Contractor's commercial catalog/pricelist that was used as the basis for the contract award.

(2) Only three increases will be considered during the contract period.

(3) Increases are requested after the first 30 days of the contract period and prior to the last 60 days of the contract period.

(4) At least 30 days elapse between requested increases.

(c) The aggregate of the increases in any contract unit price under this clause shall not exceed —— * percent of the original contract unit price. The Government reserves the right to raise this ceiling where changes in market conditions during the contract period support an increase.

(d) The following material shall be submitted with the request for a price increase:

(1) A copy of the commercial catalog/pricelist showing the price increase and the effective date for commercial customers.

(2) Discount Schedule and Marketing Data regarding the Contractor's commercial pricing practice relating to the reissued or modified catalog/pricelist, or a certification that no change has occurred in the data since completion of the initial negotiation or a subsequent submission.

(3) Documentation supporting the reasonableness of the price increase.

(e) The Government reserves the right to exercise one of the following options:

(1) Accept the Contractor's price increases as requested when all conditions of (b), (c), and (d), above, are satisfied;

(2) Negotiate more favorable discounts from the new commercial prices when the total increase requested is not supported; or,

(3) Remove the product(s) from contract involved pursuant to the Cancellation Clause of this contract, when the increase requested is not supported.

(f) The contract modification reflecting the price adjustment shall be signed by the Government and made effective upon receipt of notification from the Contractor that the new catalog/pricelist have been mailed to the addressees previously furnished by the Contracting Officer, provided that in no event shall such price adjustment be effective prior to the effective date of the commercial price increases. The increased contract prices shall apply to the delivery orders issued to the Contractor on or after the effective date of the contract modification.

(End of Clause)

* Insert the percent appropriate at the time the solicitation is issued. This percentage should normally be 10 percent, unless based on a trend established by an appropriate index such as the Producer Prices and Price Index during the most recent 6-month period indicates that a different percentage is more appropriate. Any ceiling other than 10 percent must be approved by the contracting director.

Alternate I (Oct. 1985)

The following is substituted for paragraph (b), (b)(2), (b)(3), and (c) of the clause:

"(b) Contractors may request price increases after the first 12 months of the contract period providing all of the following conditions are met:

(1) * * *

(2) No more than three increases will be considered during each succeeding 12 month period of the contract. (For succeeding contract periods of less than 12 months, up to three increases will be considered subject to the other conditions of this subparagraph (b)).

(3) Increases are requested after the first 12 months of the contract period and prior to the last 60 days of the contract period.

(4) * * *

(c) In any contract period during which price increases will be considered (see subparagraph (b) above), the aggregate of the increases of any contract unit price shall be applied as described below:

(1) For contracts of 24 months (or less) duration, the aggregate of the increases shall not exceed —— * percent of the original contract unit price.

(2) For contracts of more than 24 months duration, the aggregate of the increases in the second year shall not exceed —— * percent of the original contract unit price; the aggregate of the increases in the third year (or portion thereof) shall not exceed —— * percent of the contract unit price in effect at the end of the second year.

The Government reserves the right to raise or lower the ceiling when market conditions during the contract period support such a change."

(End of Clause)

* Insert the percentage appropriate at the time the solicitation is issued. This percentage should normally be 10 percent, unless based on a trend established by an appropriate index such as the Producer Prices and Price Indexes during the most recent 6 month period which indicates that a different percentage is more appropriate. Any ceiling other than 10 percent shall be approved by the contracting director.

Dated: October 18, 1985.

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 85–25753 Filed 10–28–85; 8:45 am]

BILLING CODE 6820–61–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Revised Service Order No. 1500; Amdt. 4]

Milwaukee Road Inc. Authorized to Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 4 to Revised Service Order No. 1500.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes The Milwaukee Road Inc. to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company,

Debtor, (Richard B. Ogilvie, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carrier to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 11:59 p.m., October 31, 1985, and continuing in effect until 11:59 p.m., November 30, 1985, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M.F. Clemens, Jr. (202) 275–7840 or 275–1559.

List of Subjects in 49 CFR Part 1033

Railroads.

Decided: October 23, 1985.

Upon further consideration of Revised Service Order No. 1500 (50 FR 11366, 21264, 26774 and 34705) and good cause appearing therefor:

§ 1033.1500 [Amended)

It is ordered, the Milwaukee Road Inc. authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor (Richard B. Ogilvie, trustee), Revised Service Order No. 1500 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order are extended for an additional period of time and shall expire at 11:59 p.m., November 30, 1985, unless otherwise modified, amended or vacated by order of this Commission.

Effective Date. This amendment shall become effective at 11:59 p.m., October 31, 1985.

This action is taken under the authority of 49 U.S.C. 10304–10305 and section 122, Pub. L. 96–254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Bernard Gaillard, William J. Love and John H. O'Brien.

James H. Bayne,

Secretary.

[FR Doc. 85–25709 Filed 10–28–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672, and 675

[Docket No. 41046–4171]

Foreign Fishing, Groundfish of the Gulf of Alaska, Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of inseason adjustments.

SUMMARY: NOAA announces the apportionment of amounts of the pollock optimum yield to U.S. fishermen engaged in joint ventures and amounts of the Pacific Ocean perch and sablefish operational reserves to U.S. fishermen landing to U.S. processors under provisions of the fishery management plans for Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands Area. This action is necessary to provide sufficient pollock as a target species and Pacific Ocean perch and sablefish as a bycatch to joint venture operations that target on pollock and certain other species. It is also necessary to provide for greater domestic harvest of Pacific Ocean perch and bycatches of sablefish. This reapportionment is intended as a conservation and management measure that promotes fuller utilization of Gulf of Alaska and Bering Sea Groundfish.

EFFECTIVE DATE: October 24, 1985.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist), Alaska Region, NMFS), 907–586–7229.

SUPPLEMENTARY INFORMATION:

Background

Optimum yield (OYs) for commercial groundfish species are established by the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska; total allowable catches (TACs) for various groundfish species are established under the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. These FMPs were developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and are implemented by rules appearing at §§ 611.92 and 611.93 and Parts 672 and 675. The OYs and TACs are apportioned initially among domestic annual harvest (DAH), reserves, and total allowable level of foreign fishing (TALFF). Each reserve amount, in turn, is apportioned during the fishing year to DAH and/or TALFF under §§ 611.92(c), 611.93(b), 672.20(c), and 675.20(b). In addition, surplus amounts of both components of DAH [domestic annual processing (DAP) and joint venture processing (JVP)] may be apportioned to TALFF during the fishing year under the same regulations. The regulations require that, as soon as practicable after April 1, June 1, and August 1, or on other dates as are determined appropriate, the Secretary of Commerce will apportion to DAH all or part of the reserves that he finds, will be harvested by U.S. vessels during the remainder of the fishing year, and will apportion to TALFF the remaining portion of the reserves. Under priorities established by the Magnuson Act, portions of TALFF not expected to be harvested by foreign nations may also be made available to either DAP or JVP

1. Gulf of Alaska

Only one previous apportionment has been made this fishing year. The entire reserve for pollock in the Western/Central Regulatory Area was apportioned to JVP and TALFF on July 17, 1985 (50 FR 29681, July 22, 1985), increasing the JVP to 220,500 mt and TALFF to 40,129 mt. This action supplements the pollock JVP by an additional 15,129 mt, of which 10,000 mt is from surplus DAP and 5,129 mt is from unallocated TALFF.

At its September 24–26, 1985, meeting, the Council reviewed the results of the 1985 pollock fishery, including (1) the prospect that U.S. fishermen would take the entire DAP amount of 44,371 mt, (2) the amount of the JVP harvest and intentions of JVP companies for the remainder of the year, and (3) the amount of pollock TALFF not yet allocated to foreign nations. On the basis of testimony received, the Council recommended to the Secretary that 10,000 mt of DAP and 5,129 of TALFF, which has not yet been allocated to foreign nations, be reapportioned to JVP, increasing it from 220,550 mt to 235,629 mt. The Regional Director has determined that the 10,000 mt to be transferred from DAP will not be taken by U.S. fishermen.

TABLE 1.—GULF OF ALASKA REAPPORTIONMENTS OF OY

[Figures are in metric tons]

	Current	This action	Revised
Pollock (Western/Central Regulatory areas; OY=305,000):			
DAP	44,371	−10,000	34,371
JVP	220,500	+15,129	235,629
Reserve	0	0	0
TALFF	40,129	−5,129	35,000

TABLE 1.—GULF OF ALASKA REAPPORTIONMENTS OF OY—Continued

[Figures are in metric tons]

	Current	This action	Revised
Total (OY=471,651; includes other species not affected by this action):			
DAP	154,088	−10,000	144,088
JVP	237,805	+15,129	252,934
Reserve	28,434		28,434
TALFF	51,324	−5,129	46,195

Apportionment to DAH

To provide for proposed increases in joint venture fisheries, 10,000 mt of surplus pollock DAP and 5,129 mt of unallocated pollock TALFF is transferred to the pollock JVP.

2. *Bering Sea and Aleutian Islands area*

When the initial DAH and TALFF for 1985 were established (50 FR 11369, March 21, 1985), DAH and TALFF were supplemented with 31, 890 mt from the initial 300,000-mt reserve, thereby reducing it to 268,110 mt. The April inseason adjustment (50 FR 19946, May 13, 1985) supplemented DAH and TALFF by an additional 134,055 mt from the reserve, reducing it to 134,055 mt. The June inseason adjustment (50 FR 26213, June 25, 1985) supplemented DAH and TALFF by an additional 111,035 mt from the reserve, reducing it to 23,020 mt. The August inseason adjustment (50 FR 35825, September 4, 1985) supplemented TALFF by an additional 6,440 mt from the reserve, reducing it to 16,580 mt. A later unscheduled adjustment (50 FR 40977, October 8, 1985) supplemented DAH by an additional 14,735 mt from reserve, reducing it to 1,845 mt. This action again supplements DAH adding 500 mt from the reserve, thus further reducing the reserve to 1,345 mt.

The current DAP catch of Pacific ocean Perch (POP) is 732 mt. At the present catch rate, the entire POP TAC of 1,000 mt will be taken before the end of the year, which would require a closure of the Bering Sea to all bottom trawling. It is necessary, therefore, to supplement the POP DAP by 300 mt to allow bottom trawling for all groundfish species to continue through the end of the year.

The Bering Sea area is presently closed to all fishing in water deeper than 200 fathoms because the combined domestic and foreign sablefish catch of 2,640 mt has exceeded the TAC of 2,625 mt. However, both domestic and foreign fishermen have expressed an economic need to continue harvesting groundfish species other than sablefish in waters deeper than 200 fathoms. The Regional Director has determined that it is necessary to increase the TAC by 200 mt to provide for bycatch and to allow deep water fisheries to resume on other groundfish species. The revised sablefish TAC is 2,825 mt. A notice rescinding the September 4, 1985 closure (50 FR 36997, September 11, 1985), appears elsewhere in this issue.

Apportionments to DAH

To provide for increased catches in domestic fisheries in the Bering Sea and to prevent total closure of the Bering Sea to all bottom fishing for groundfish, 300 mt of the operational reserves is transferred to the POP DAP. To allow domestic and foreign fishing to resume in waters deeper than 200 fathoms and to provide a bycatch of sablefish for domestic and foreign fishermen, the sablefish DAP is supplemented by the transfer of 200 mt from the operational reserve.

TABLE 2.—BERING SEA/ALEUTIANS REAPPORTIONMENTS OF TAC

[Figures are in metric tons]

	Current	This action	Revised
Pacific ocean perch (Bering Sea area only, TAC=1,000; EY=1,360);			
DAP	660	+300	990
JVP	120		120
TALFF	220		220
Sablefish (Bering Sea only, TAC=2,625; EY=2,600):			
DAP	2,275	+200	2,475
JVP	100		100
TALFF	250		250
Total (TAC=2,000,000; includes other species not affected by this action):			
DAP	141,710	+500	142,210
Reserve	1,845	−500	1,345
TALFF	1,158,595		1,158,595

The Secretary has determined that good cause exists to issue this notice of apportionment without providing a prior opportunity for public comments. This determination is based on the fact that few weeks remain in the 1985 fishing year and that U.S. and foreign fishermen must have adequate assurances that pollock, Pacific ocean perch, and sablefish are available to continue their operations for the remainder of the year. Therefore, prior opportunity for comment is waived. Comments will be received, however, for a period of 15 days after the effective date of this notice. Responses to comments will be published in the **Federal Register** as soon as practicable and will be considered in deciding whether to modify this notice.

Classification

This action is taken under 50 CFR Parts 611, 672, and 675, and complies with Executive Order 12291.

In view of the need to avoid disruption of foreign and domestic fisheries, the Agency has determined that delaying the effective date of this notice would be impracticable, unnecessary, and contrary to the public interest.

List of Subjects in 50 CFR Parts 611, 672, and 675

Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: October 24, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Services.

[FR Doc. 85-25803 Filed 10-24-85; 5:07 pm]

BILLING CODE 3510-22-8

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50 CFR Parts 611 and 675

[Docket No. 41046-4171]

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of recision of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has increased the total allowable catch (TAC) of sablefish in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area, thereby providing a sablefish bycatch to support domestic and foreign target fisheries for other groundfish species. He therefore rescinds the September 4, 1985, notice of closure which prohibited all fishing by foreign and domestic vessels in waters deeper than 200 fathoms (365 meters) in the Bering Sea subarea. This recision is necessary to allow the harvest of other groundfish, which otherwise must be prohibited. It is intended as a conservation and management measure to promote full utilization of the groundfish resources in the Bering Sea and Aleutian Island area.

DATES: This notice is effective from noon, Alaska Daylight Time, October 24, 1985, until midnight, Alaska Standard Time, December 31, 1985.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

The Fishery Management Plan for the Groundfish Fishery of the Bering Sea

and Aleutian Islands Area (FMP) governs the groundfish fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act. Under the FMP's implementing rules at § 611.93(b)(3)(ii)(A) and § 675.20(a)(7), the Regional Director issued a closure notice effective September 4, 1985 (50 FR 36997, September 11, 1985), that prohibited all fishing in the Bering Sea subarea (north of the Aleutian chain and east of 170°W longitude and north of 55°N. latitude and west of 170 °W. longitude) in waters deeper than 200 fathoms. He took this action after determining that the TAC of sablefish had been reached and, therefore, he was required to (1) prohibit all domestic fishing that involved the taking of sablefish, and (2) close all or part of the management area to foreign fishing. In delimiting the closure area above, he made the finding that those fisheries operating in depths of less than 200 fathoms do not involve the taking of sablefish.

The FMP provides for inseason increases in the TAC. The source of any increase is the nonspecific groundfish reserve. This reserve is provided for at § 675.20(a)(3) and may be reapportioned to U.S. and/or foreign fishermen to respond to inseason operational problems in the fisheries. Under § 674.20(b)(1), the Regional Director may apportion to domestic annual harvest (DAH) or total allowable level of foreign fishing (TALFF) all or part of the reserve on dates he determines appropriate. The Regional Director has done so, reapportioning 200 metric tons (mt) of the nonspecific reserve to the sablefish domestic annual processing (DAP) component of DAH by notice appearing elsewhere in this issue, thereby providing a bycatch to support target fisheries on other groundfish species for the remainder of the fishing year.

However, under § 675.20(a)(7), if the combined catch by foreign and U.S. vessels in the fishery or applicable subarea reaches the revised TAC (the amount of sablefish that is currently apportioned to the fishery) before January 1, 1986, further fishing by domestic vessels that involves taking sablefish will be prohibited for the remainder of the fishing year. Similarly, under § 611.93(b)(3)(ii)(A), foreign harvesting in all or part of the fishery will be prohibited when the revised TAC is reached.

The revised TAC for sablefish in the Bering Sea subarea has been increased to 2,825 mt and the DAP is revised to 2,475 mt. Because the sablefish TAC has been increased, the previously issued notice of closure is hereby rescinded.

Classification

This action complies with Executive Order 12291 and is authorized under 50 CFR 611.93 and 675.20.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirement.

50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: October 24, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resources Management, National Marine Fisheries Service.

[FR Doc. 85–25802 Filed 10–24–85; 5:07 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 50, No. 209
Tuesday, October 29, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1033

[Docket No. A0-166-A52-R01]

Milk in the Ohio Valley Marketing Area; Termination of Proceeding on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rulemaking proceeding.

SUMMARY: This action terminates a rulemaking proceeding that involved a proposal by a dairy farmer cooperative to establish an advertising and promotion program under the Ohio Valley milk order. A public hearing on the proposal was held on October 12–13, 1983. The hearing was reopened to consider proposals to align certain provisions of the existing and contemplated advertising and promotion programs of the individual orders with a new national mandatory dairy promotion program that was enacted and became effective after the close of the October 1983 hearing. At the reopened hearing, which was held in April 1984, proponent stated that a separate advertising and promotion program for the Ohio Valley market would not be needed if dairy farmers approve a continuation of the national program to promote milk and dairy products in a required referendum that had to be conducted by the Department prior to September 30, 1985. In a referendum that was completed recently, dairy farmers voted overwhelmingly in favor of a continuation of the national program. In view of this, there is no basis for continuing the hearing proceeding.

DATE: The termination of the rulemaking proceeding is effective October 29, 1985.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of hearing: Issued September 26, 1983; published September 29, 1983 (48 FR 44565).

Suspension Order: Issued December 6, 1983; published December 12, 1983 (48 FR 55275).

Suspension Order: Issued December 12, 1983; published December 16, 1983 (48 FR 55829).

Suspension Order: Issued January 12, 1984; published January 17, 1984 (49 FR 1980).

Termination Order: Issued February 24, 1984; published February 29, 1984 (49 FR 7353).

Suspension Order: Issued March 16, 1984; published March 22, 1984 (49 FR 10656).

Notice of Reopened Hearing: Issued April 3, 1984; published April 5, 1984 (49 FR 13541).

Partial Recommended Decision: Issued July 11, 1984; published July 16, 1984 (49 FR 28721).

Partial Final Decision: Issued August 30, 1984; published September 6, 1984 (49 FR 35101).

Final Order: Issued September 10, 1984; published September 14, 1984 (49 FR 36072).

Statement of Consideration

This action terminates a rulemaking proceeding, which began September 26, 1983, (48 FR 44565), that involved a proposal to provide an advertising and promotion program under the Ohio Valley milk order. The hearing, which was held on October 12–13, 1983, dealt with six separate issues. All but one has been resolved previously either through a partial decision or by a termination order. The remaining issue concerns the adoption of an advertising and promotion program under the order and is dealt with herein.

Milk Marketing, Inc. (MMI), a cooperative that represents a substantial number of producers who supply milk to the market, proposed that an advertising and promotion program (hereinafter referred to as the A and P program) be incorporated in the Ohio Valley order. Proponent cooperative contended that an A and P program was needed for the Ohio Valley market to achieve and maintain increased sales on fluid milk and manufactured dairy products and to compete with the promotional efforts on behalf of other beverages and food products.

On November 23, 1983, the Dairy and Tobacco Adjustment Act was passed. This Act mandated the establishment of a National Dairy Research and Promotion Order (7 CFR Part 1150). The order became fully effective on May 1, 1984. It provides a national program for dairy product promotion, research and nutrition education. It is financed by a 15-cent per hundredweight assessment on all milk produced and marketed commerically by dairy farmers.

When the National Dairy Research and Promotion Order became effective, six individual milk marketing orders contained provisions for advertising and promotion of milk and dairy products. A public hearing was held on April 18, 1984 in Alexandria, Virginia, to align the advertising and promotion provisions of the individual orders with the provisions of the National Dairy Research and Promotion Order. Since a decision was pending on a proposal to add an A and P program to the Ohio Valley order at that time, the October 1983 hearing record was reopened for the purpose of receiving additional evidence with respect to the need to provide a separate program under the order that would supplement the National Dairy Promotion Program.

At the reopened hearing a spokesman for MMI testified that its proposal to add an A and P program to the Ohio Valley order was made before the legislation authorizing a national program for these purposes was enacted. He further stated that since there was considerable doubt among lawmakers and the Ohio dairy industry regarding the inclusion of any promotional program for milk and dairy products in the 1983 dairy legislation at the time of the hearing in October 1983, the cooperative offered its proposal for the Ohio Valley market in the event the dairy legislation did not provide a promotion program.

In this regard, the Dairy and Tobacco Adjustment Act, which authorized and mandated the implementation of the Dairy Research and Promotion Order, also provided that a referendum be conducted among producers within the 60-day period preceding September 30, 1985, to determine whether dairy farmers favor a continuation of the national program for such purposes. In

view of this, at the reopened hearing a witness for the proponent cooperative asked that its proposed A and P program for the Ohio Valley market become effective only if the producers voting in the referendum did not favor a continuation of the national program.

On September 12, 1985, the Department issued a Determination of Approval document which indicated that dairy farmers across the country voted overwhelmingly in favor of continuing the National Dairy Promotion Program. The determination of producer approval was published in the **Federal Register** on September 17, 1985 (50 FR 37642).

On the basis that the necessary majority of the producers voting in the referendum favor continuation of the national program and at the request of proponent cooperative, the proceeding initiated in September 26, 1983 should be terminated. The cooperative's revised position on this issue means that at this time there is no support for the proposal. Since there is no compelling reason to establish a separate A and P program under the Ohio Valley order, the wishes of proponent cooperative should be the overriding consideration in this particular situation. Accordingly, the proposal is withdrawn from consideration and the proceeding is terminated.

Termination Order

In view of the foregoing, it is hereby determined that the aforesaid proceeding with respect to proposed amendments to the tentative marketing agreement and to the order should be and hereby is terminated.

The authority citation for 7 CFR Part 1033 continues to read as follows:

Authority: (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Signed at Washington, D.C. on: October 23, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85–25755 Filed 10–28–85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 35 and 290

[Docket No. RM85–17 (Phase II)]

Regulation of Electricity Sales-for-Resale and Transmission Service October 24, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice rescheduling public conference and extending the date for filing requests to participate in the conference.

SUMMARY: On June 28, 1985 (50 FR 27604, July 5, 1985), the Commission issued a notice of inquiry in Phase II of this proceeding to explore how the Commission's regulation of requirements service affects efficiency in electricity markets and how it might be changed to encourage greater efficiency. By notice issued October 3, 1985 (50 FR 41164, October 9, 1985), the date for comments was further extended and the date for the public conference was deferred pending further notice. This notice reschedules the date for the public conference and extends the date for requests to participate therein.

DATE: The public conference will be held January 22, and 23, 1986, beginning at 9:00 a.m. each day. The date for filing requests to participate in the conference is extended to and including December 21, 1985. The date for filing comments on the notice of inquiry remains November 4, 1985.

ADDRESS: Requests to participate should be filed with the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, DC 20426. The conference will be held in Hearing Room A at the Commission's Offices at 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: David Mead, Office of Regulatory Analysis, (202) 357–8024.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25745 Filed 10–28–85; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 357

[Docket No. RM85–11–000]

Revision of FERC Form No. 73, Oil Pipeline Data for Depreciation Analysis; Extension of Time for Comments

October 24, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On September 4, 1985, the Commission issued a Notice of Proposed Rulemaking involving the revision of FERC Form No. 73, Oil Pipeline Data for Depreciation Analysis (50 FR 36601, September 9, 1985). The comment period is being extended at the request of the Association of Oil Pipe Lines.

DATE: Comments must be submitted on or before November 22, 1985.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, 202–357–8400.

On October 16, 1985, the Association of Oil Pipe Lines (the Association) filed a motion for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued September 4, 1985, in the above-docketed proceeding. In its motion, the Association states that additional time is required for the Association and its member companies to review the Commission's proposal.

Upon consideration, notice is hereby given that an extension of time is granted to and including November 22, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25746 Filed 10–28–85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 85P–0182]

Grated Cheeses; Proposal to Amend Standard of Identity

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the U.S. standard of identity for grated cheeses to permit the use of safe and suitable anticaking agents including powdered cellulose. This action responds to a petition filed by cheese manufacturers and would promote honesty and fair dealing in the interest of consumers.

DATES: Comments by December 30, 1985. The agency proposes that any final rule that may issue based upon this proposal shall become effective 60 days after date of publication of the final rule in the **Federal Register**.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0101.

SUPPLEMENTARY INFORMATION: The National Cheese Institute, The Kroger Co. (Pace Dairy Foods), Sargento Cheese Co., Inc., Schreiber Foods, Inc., and Paniplus Co. (a wholly-owned subsidiary of Continental Baking Co., Inc.) have petitioned jointly to amend the U.S. standard of identity for grated cheeses (21 CFR 133.146) to permit the use of powdered cellulose, either alone or in combination with the other permitted anticaking agents, in a total amount not to exceed 2 percent by weight of the finished food.

Each of these cheese manufacturing companies holds a temporary marketing permit, granted under 21 CFR 130.17, to market test grated and shredded cheeses containing powdered cellulose as an anticaking agent.

The grounds for the proposed amendment are: (1) Powdered cellulose is generally recognized as safe (GRAS); (2) powdered cellulose is nearly identical to microcrystalline cellulose which is permitted by the current standard for grated cheeses; (3) less powdered cellulose is needed than microcrystalline cellulose to achieve the intended anticaking effect, and its price is significantly lower; and (4) the use of powdered cellulose is supported by actual experience under the petitioners' temporary marketing permits.

Over 2.7 million pounds of grated and shredded cheeses containing powdered cellulose have been manufactured for retail distribution under temporary marketing permits issued to Pace Dairy Foods, Sargento Cheese Co., and Schreiber Foods, Inc.

The standard of identity for grated cheeses provides for the optional use of an anticaking agent which consists of silicon dioxide, calcium silicate, sodium silicoaluminate, microcrystalline cellulose, or any combination of two or more of these in an amount not to exceed 2 percent by weight of the finished food.

The petitioners stated that the desired anticaking effect may be achieved by using as little as one-half the usual amount of anticaking agent. Because only 1 percent or less of powdered cellulose is necessary to achieve the intended anticaking effect, FDA would consider the use of more than 1 percent powdered cellulose in grated cheeses to be unsuitable.

FDA believes that the petitioners have submitted adequate justification for their petition to amend the standard to provide for the use of powdered cellulose in grated cheese. However, FDA has concluded that limiting a manufacturer's choice of ingredients by specifically listing each optional ingredient that may be used is unduly restrictive. FDA believes that providing for functional categories of safe and suitable optional ingredients, as defined in 21 CFR 130.3(d), will benefit consumers by allowing a manufacturer to select less expensive or more readily available ingredients that are equally appropriate for a functional purpose. Further, permitting the use of any safe and suitable functional optional ingredient should minimize any future need for amendment of the standards to provide for additional specific ingredients.

FDA, therefore, proposes to amend the standards to provide for the use of safe and suitable anticaking agents in grated cheeses.

Economic Impact

In accordance with the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601), FDA has reviewed this proposal to determine its impact on small businesses. The proposal permits the use of safe and suitable anticaking agents in grated cheeses. The agency believes that this proposal provides increased flexibility to manufacturers of grated cheeses and will not impose an additional burden on the industry. Therefore, FDA certifies that this proposed action will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

The agency has determined under 21 CFR 25.24(b)(13), (April 26, 1985; 50 FR 16636), that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Comments

Interested persons may, on or before December 30, 1985, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 133

Cheese, Food grades and standards.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, it is proposed that Part 133 be amended as follows:

PART 133—CHEESES AND RELATED CHEESE PRODUCTS

1. The authority citation for 21 CFR Part 133 is revised to read as follows:

Authority: Secs. 401 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)); 21 CFR 5.10 and 5.61.

2. Section 133.146(b)(2) is revised to read as follows:

§ 133.146 Grated cheeses.

* * * * *

(b) * * *

(2) Safe and suitable anticaking agents.

* * * * *

Dated: October 21, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–25671 Filed 10–28–85; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 884

[Docket No. 85N–0223]

Obstetrical and Gynecological Devices; Premarket Approval of the Contraceptive Tubal Occlusion Device (TOD) and Introducer

Correction

In FR Doc. 85–23866 beginning on page 40950 in the issue of Monday, October 7, 1985, make the following correction:

On page 40950, in the third column, second complete paragraph, lines fourteen and fifteen, "(2 U.S.C. 333)" should read "(21 U.S.C. 333)".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 800

Availability of Petition To Initiate Rulemaking; Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Performance Bonding

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of a petition to initiate rulemaking and request for comment.

SUMMARY: The Office of Surface Mining (OSM) seeks comments regarding the rule changes suggested in a petition, submitted pursuant to the Surface Mining Control and Reclamation Act (the Act), to amend OSM's existing bonding regulations.

The suggested changes in the rules would allow (1) third party non-parent self-bonding, (2) creation of sinking funds to replace part of the bond costs, (3) revision of the self-bonding criteria to provide for consideration of certain financial and economic factors when determining self-bond limits for a permittee.

The comments on the rule changes suggested in the petition will assist the Director of OSM in making the decision whether to grant or deny the petition.

DATE: OSM will accept written comments on the petition until 5:00 p.m. eastern time on December 13, 1985.

ADDRESS: Written comments must be mailed to the Office of Surface Mining, U.S. Department of the Interior, Division of Permit and Environmental Analysis, 1951 Constitution Ave., NW., Washington, D.C. 20240 or hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Division of Permit and Environmental Analysis, Room 5111, 1100 L St., NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mark Boster at the Washington, D.C., address listed above (telephone: 202–343–1480).

SUPPLEMENTARY INFORMATION:

I. Public Commenting Procedures

Written Comments

Written comments on the suggested changes should be specific, should be confined to issues pertinent to the petition, and should explain the reasons for the comment. Comments received after the close of the comment period (see "DATES") may not necessarily be considered or included in the administrative record on the petition. OSM cannot ensure that written comments received or delivered during the comment period to any location other than that specified under "Address" above will be considered and included in the administrative record on this petition.

Availability of Copies

Additional copies of the petition and copies of 30 CFR Part 800 are available for inspection and may be obtained at the location listed under "Address."

Public Meetings

OSM will be available to meet with the public during business hours, 8:00 a.m. to 4:00 p.m., during the comment period. In order to arrange such a meeting, call or write to the person listed above under "For Further Information Contact."

II. Background and Substance of Petition

OSM received a letter dated September 19, 1985, from the Joint Committee on Surface Mining of the American Mining Congress (AMC) and the National Coal Association (NCA), presenting a petition for revision of the bonding regulations found in 30 CFR 800.5, 800.12, 800.16, 800.21 and 800.23. Pursuant to section 201(g) of the Act, any person may petition for a change in OSM's permanent program rules which appear in 30 CFR Chapter VII. The Act allows for a period of 90 days within which to decide to grant or deny a petition (Section 201(g)(4); 30 U.S.C. 1211(g)(4)). Under the applicable regulations for rulemaking petitions, 30 CFR 700.12(c), the Director first determines whether the petition may have a resonable basis. The Director has determined that the petition for amendment of the bonding regulations has a sufficient basis to seek comments on the proposed rule changes. The text of the petition appears as an appendix to this notice.

This notice seeks public comments on the suggested amendments. At the close of the comment period, a decision will be made whether to grant or deny the petition. If the decision is made to grant the petition, either in part or whole, rulemaking proceedings will be initiated in which public comment will again be sought before any final rulemaking notice appears. If the decision is made to deny the entire petition no further rulemaking action will action will occur pursuant to the petition.

OSM revised all of the bonding regulations in 30 CFR Part 800 as part of regulatory reform. However, the petition seeks further revision of certain bonding provisions in order to alleviate what is alleged to be a crisis in "bondability levels" of many coal mine operators.

The bonding regulations have been a steady source of contention with the coal mining industry. The original bonding rules were promulgated in 1979 (44 FR 15385), were challenged in U.S. District Court (*In Re: Permanent Surface Mining Regulation Litigation,* Civil Action No. 79–1144, D.D.C. 1980), and were subsequently proposed for further rulemaking due to a petition for rulemaking accepted by OSM on January 24, 1980 (45 FR 6028). OSM circulated a draft of bonding changes in March 1981. On September 9, 1981, OSM proposed changes to the bonding regulations (46 FR 45082). These changes were made final on July 19, 1983, and August 10, 1983 (48 FR 32959; 48 FR 36420), and form the basis for the present bonding regulations.

III. Procedural Matters

Publication of this notice of the receipt of the petition for rulemaking is a preliminary step in the rulemaking process. If a decision is made to grant the petition, a formal rulemaking process will be initiated. Thus, no regulatory flexibility analysis is needed at this stage, nor is a regulatory impact analysis necessary under Executive Order No. 12291.

Publication of this notice does not constitute a major Federal action having a significant effect on the human environment for which an environmental impact statement under the National Environmental Policy Act, 42 U.S.C. 4322(2)(C), is needed.

List of Subjects in 30 CFR Part 800

Coal mining, Insurance, Reporting and recordkeeping requirements, Surety bonds, Surface mining, Underground mining.

Dated: October 21, 1985.

Jed D. Christensen,

Acting Director.

The text of the petition dated September 19, 1985, from the Joint NCA/AMC Committee on Surface Mining Regulations, is as follows:

Appendix

The purpose of this letter is to petition the Director of OSM, pursuant to section 201(g) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1211(g), to immediately amend certain bonding provisions of the permanent program regulations, and to initiate a proceeding for amendment of those regulations. The National Coal Association/American Mining Congress Joint Committee on Surface Mining

Regulations (Joint Committee), on behalf of themselves and their member companies, hereby petition for amendment of the bonding provisions in 30 CFR Part 800 800.5, 800.12, 800.16, 800.21 and 800.23 of the permanent program regulations.

As grounds for the Petition, the Joint Committee states that given the currently applied methodology for bond calculation which results in huge bond amounts, the ceiling of bondability for some mining companies is being rapidly approached. A company's inability to obtain additional bonds may result in closure of some mining operations and abandonment of some planned mining developments because of the inability of operators to obtain bonds required to secure permits.

The Joint Committee hereby petitions for an immediate amendment of these regulations in light of the above concerns, and requests the Director to initiate a proceeding to amend the specific regulations as cited within 90 days.

Section 201(g) of the Act provides that any person may petition the Director of OSM to initiate a proceeding for the amendment of regulations promulgated pursuant to section 501 of the Act.

Background

The Joint Committee has a grave concern that the bonding regulations lack a sound policy and are economically infeasible.

The purpose of the bond requirements of Section 509 of the Act is to protect the public interest in the event an operator should fail to satisfy the reclamation obligations. Section 509 and the implementing regulations require the filing of a performance bond with the regulatory authority in an amount considered by the regulatory authority to be sufficient to complete reclamation in the event the operator is unable to do so.

The surety companies that underwrite performance bonds have specific requirements regarding a company's financial condition that must be met before a bond is issued. Depending on the surety company, criteria for bond liability are established that in effect set a ceiling of bondability for each operating company based on the total face amount of the company's outstanding bonds. Given the currently applied methodology for bond calculation which results in the determination and imposition of huge bond amounts, the ceiling of bondability for some mining companies is being rapidly approached. A company's inability to obtain additional bonds will preclude it from obtaining permits to continue or expand its current operations or to develop new mines.

Although the self-bonding provisions found at 30 CFR 800.23 offer a valuable alternative to surety or collateral bonds, no significant relief from the bondability ceiling problem is provided. The self-bonding regulations still require that for a company to be eligible for self-bonding it must meet certain specific financial and business tests and even then its outstanding and proposed self-bond limit cannot exceed 25 percent of its tangible domestic net worth. The self-bonding regulations do not adequately allow for situations where the risk of non-performance by a permittee is negligible. The current regulations, therefore, may penalize the sound, well managed, low-leveraged company with a long-term secure contract.

The current bonding procedure moves a predominantly end-of-mine financial obligation (mine closure) to the front (initial five year permit) and requires that this estimated closure cost be guaranteed as if it were to be paid currently. Provisions are not currently available to allow for the accumulation of funds (i.e., sinking funds) from current revenues for large end-of-business costs that can be deducted as an offset from the total bond requirement.

Request for Relief

Accordingly, petitioners seek amendments to 30 CFR Part 800 and in particular Section 800.5, 800.12, 800.16, 800.21 and 800.23. It is not our intention by this petition to correct every aspect of the formula for determining the bond amount. However, the amendments that we propose would insure that there are sufficient funds to complete reclamation in the event of forfeiture while offering viable alternatives to provide operators some relief to the bondability ceiling they now face. Also, the proposed alternatives will allow the mining industry sufficient flexibility while protecting the public interest. The Joint Committee hereby petitions the Office of Surface Mining to amend the regulations as follows:

First, third party non-parent self-bonding should be allowed. For example, a mine-mouth power plant has a significant interest in ensuring the continued operation and cost effectiveness of the associated mine. Because most operations of this type are designed to be in operation for thirty or more years, it is probable that, should the original mining company forfeit for any reason, another company or even the power company will take over mining and reclamation operations. It seem entirely appropriate, therefore, that third parties with significant vested interests in a continuing mining operation, should be considered acceptable guarantors for required mine reclamation.

Second, authority should be granted for the permittee or third party non-parent to create a sinking fund for reclamation costs that would at least partially displace bonded liability. It is sound business practice to set aside funds from current revenues to provide for large end-of-business costs through the creation of reclamation sinking funds. The balance of these funds could then be deducted as an offset from the total bond requirement thereby providing additional flexibility to the permittee.

Third, the bonding regulations should provide for the consideration of certain financial and economic factors, such as long term contractual commitments, when determining the self-bonding limit for a permittee. The current limit of 25 percent of a company's tangible net worth in all cases is overly restrictive. The financial tests should be taken into consideration to determine the *acceptability* of a company for self-bonding. Other factors should then be used to adjust the acceptable self-bonding limit according to the financial soundness of the operator and economic viability of the mining operation. Thus, it is recommended that the 25 percent net worth limitation be changed to a minimum self-bonding limit that can be adjusted upward where the assurance of continued operation is reinforced by these additional factors. Among the factors which should be considered in setting self-bond limits are:

- Length and type of sales contract
- Financial strength of the operator and the parent company
- The operating and regulatory compliance history of the operator
- Stability of customer, e.g., long-term sales contract versus spot sales
- Contract provisions such as the requirement that the customer make minimum purchases, and direct payment by the customer for reclamation costs in addition to a tonnage or Btu charge
- Size of operation and production
- Land tenure provisions
- Type of capital investment, e.g., fixed capital investment and the recognition of equipment mobility, such as the ability of an operator to remove significant assets from the bonded operation
- Fixed asset value of the coal reserve in place
- Marketing history, e.g., whether coal produced by the operation is routinely sold, and whether the operator is a low-cost producer

It is the contention of the petitioners that such amendments to the current bonding regulations will provide much needed relief to coal operators without jeopardizing environmental and public protection.

[FR Doc. 85–25711 Filed 10–28–85; 8:45 am]
BILLING CODE 4310–05–M

30 CFR Part 936

Public Comment Period and Opportunity for Public Hearing on an Amendment to the Oklahoma Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for a public hearing on an amendment submitted by the State of Oklahoma to amend its permanent regulatory program which was approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed program amendment consists of proposed provisions to implement a blaster training, examination and certification program as required by 30 CFR Part 850.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment and information pertinent to the public hearing.

DATES: Written comments not received on or before 4:00 p.m. on November 29, 1985 will not necessarily be considered. A public hearing on the proposal will be held on November 25, 1985 at the locations listed below under **"ADDRESSES"**. Any person interested in making an oral or written presentation at the hearing should contact Mr. James H. Moncrief, Acting Director, Tulsa Field Office by 4:00 p.m. on November 13, 1983. If no one has contacted Mr. Moncrief to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Moncrief, a public meeting, rather than a hearing may be held and the result of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. James H. Moncrief, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103.

The public hearing, if requested, will be held at the Federal Building, 125 South Main Street, Muskogee, Oklahoma 74401. See **"SUPPLEMENTARY INFORMATION"** For addresses where copies of the Oklahoma program amendment and administrative record on the Oklahoma program are available. Each requestor may receive, free of charge, one copy of the proposed program amendment by contracting the OSM Tulsa Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Moncrief, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth Street Tulsa, Oklahoma 74103, Telephone: (918) 581–7923.

SUPPLEMENTARY INFORMATION: Copies of the Oklahoma program amendment, the Oklahoma program and the administrative record on the Oklahoma program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5124, 1100 "L" Street, N.W., Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Oklahoma Department of Mines, Suite 107, 4040 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

Background

The Oklahoma program was approved by the Secretary of the Interior on January 19, 1981, **Federal Register** (46 FR 4910). On August 8, 1985, the State of Oklahoma submitted to OSM an amendment to its approved permanent regulatory program. The proposed program amendment is intended to implement the provisions of 30 CFR Part 850 relating to blaster training, examination and certification. The proposed amendment consists of proposed regulations governing the standards for certification of blasters and a blaster training course outline which addresses the topics identified in the Federal regulations at 30 CFR Part 850 as published in the March 4, 1983, **Federal Register** (48 FR 9486).

In accordance with the provisions of 30 CFR 732.17, OSM is seeking comment from the public on the adequacy of the proposed program amendment. If the proposed amendment is found by the Director to be in accordance with SMCRA and no less effective than the Federal regulations, the amendment will be approved and codified at 30 CFR Part 936 as part of the approved Oklahoma program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from section 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork, Act Reduction:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subject in 30 CFR Part 936

Coal mining, Intergovernmental relations, Surface mining, Underground, mining.

Dated: October 23, 1985.

Jed D. Christensen,

Acting Director, Office oif Surface Mining.

[FR Doc. 85–25748 Filed 10–28–85; 8:45 am]
BILLING CODE 4310–05–M

30 CFR Part 936

Permanent State Regulatory Program of Oklahoma

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for a public hearing on the adequacy of a proposed amendment to

the Oklahoma permanent regulatory program which was approved by the Secretary of the Interior pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment submitted by the Oklahoma Department of Mines (ODM) for the Secretary's approval is intended to satisfy the remaining program condition, condition (d), and consists of a legal opinion by the Attorney General of the State of Oklahoma. The opinion addresses the State's authority to participate in certain aspects of the Small Operator Assistance Program (SOAP).

This notice sets forth the times and locations that the Oklahoma program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment, and information pertinent to the public hearing.

DATES: Written comments relating to Oklahoma's proposed modification of its program not received on or before 4:00 p.m. on November 29, 1985, will not necessarily be considered. A public hearing on the proposal will be held, if requested, on November 25, 1985 at the address shown below under **"ADDRESSES".**

Any person interested in making an oral or written presentation at the hearing should contact Mr. James H. Moncrief, Acting Director of the Tulsa Field Office by 4:00 p.m., on November 18, 1985. If no one has contacted Mr. Moncrief to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Moncrief, a public meeting rather than a hearing may be helf and the results on the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. James H. Moncrief, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103.

The public hearing, if requested, will be held at the Federal Building, 125 South Main Street, Muskogee, Oklahoma 74401. See **"SUPPLEMENTARY INFORMATION"** for addresses where copies of the Oklahoma program amendment and administrative record on the Oklahoma program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Tulsa Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Moncrief, Acting Director, Tulsa Field Office, Office of Surface Mining, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103; Telephone: (918) 581–7927.

SUPPLEMENTARY INFORMATION: Copies of the Oklahoma program amendment, the Oklahoma program and the administrative record on the Oklahoma program are available for public review and copying at the OSM offices and the Office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, Room 5124, 1100 "L" Street, N.W., Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Oklahoma Department of Mines, Suite 107, 4040 N. Lincoln, Oklahoma City, Oklahoma 73105.

Background

The Oklahoma program was approved by the Secretary of the Interior on January 19, 1981, conditioned on the correction of four deficiencies. Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and detailed explanation of the conditions of approval of the Oklahoma program can be found in the January 19, 1981 **Federal Register** (46 FR 4902), April 2, 1982 **Federal Register** (47 FR 14152), May 4, 1983 **Federal Register** (48 FR 20049), April 12, 1984 **Federal Register** (49 FR 14674), August 28, 1984 **Federal Register** (49 FR 34000) and March 18, 1985 **Federal Register** (50 FR 10759):

Condition (d) stipulates that Oklahoma must amend its program to remove the limitation on the authority of ODM regarding funding to qualified laboratories that provide services to small operators.

Proposed Amendment

On August 15, 1985, the State of Oklahoma submitted to OSM an amendment to its permanent regulatory program. The amendment is intended to address the remaining condition of approval by the Secretary of the Interior on the Oklahoma program. The State has provided to OSM a legal opinion from the Oklahoma Attorney General's office addressing the State's ability to disburse Federal funds to qualified laboratories participating in the Small Operator Assistance Program once the Federal funds have been deposited in the State Treasury. This legal opinion is intended to satisfy condition (d).

OSM is seeking comment on whether Oklahoma's proposed amendment (legal opinion) satisfies the condition and meets the criteria for approval of State program amendments at 30 CFR 732.17 and 732.15.

The full text of the proposd program modifications submitted by Oklahoma for OSM's consideration is available for public review at the addresses listed under **"SUPPLEMENTARY INFORMATION."**

Additional Deteminations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need to be prepared for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from section 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this section is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 936

Coal mining, Intergovermental relations, Surface mining, Underground mining.

Dated: October 23, 1985.

Jed D. Christensen,

Acting Director, Office of Surface Mining.

[FR Doc. 85–25749 Filed 10–28–85; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 936

Permanent State Regulatory Progam of Oklahoma

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment to the Oklahoma permanent regulatory program which was approved by the Secretary of the Interior pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment submitted by Oklahoma for the Secretary's approval is an amendment to the Oklahoma Coal Reclamation Act, Senate Bill 332. The amendment, signed on July 8, 1985, by the Governor of Oklahoma, establishes a new Oklahoma Mining Commission which provides policy directions to the Oklahoma Department of Mines (ODM). The statutory amendment also establishes a new position, that of the Director, Oklahoma Department of Mines.

DATE: Written comments not received on or before 4:00 p.m. on November 29, 1985 will not necessarily be considered. A public hearing on the proposal will be held, if requested, on November 25, 1985 at the address listed below under **"ADDRESSES"**. Any person interested in making an oral or written presentation at the hearing should contact Mr. James H. Moncrief, Acting Director, Tulsa Field Office by 4:00 p.m. on November 13, 1985. If no one has contacted Mr. Moncrief to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Moncrief, a public meeting, rather than a hearing may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. James H. Moncrief, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103.

The public hearing, if requested, will be held at the Federal Building, 125 South Main Street, Muskogee, Oklahoma 74401. See **"SUPPLEMENTARY INFORMATION"** for addresses where copies of the Oklahoma program amendment and administrative record on the Oklahoma program are available. Each requester may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Tulsa Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Moncrief, Acting Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103. (918) 581–7923.

SUPPLEMENTARY INFORMATION: Copies of the Oklahoma program amendment, the Oklahoma program and the administrative record on the Oklahoma program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5124, 1100 "L" Street, NW., Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Oklahoma Department of Mines, Suite 107, 4040 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

The Oklahoma program was approved by the Secretary of the Interior on January 19, 1981, **Federal Register** (46 FR 4910). On July 16, 1985, the State of Oklahoma submitted to OSM an amendment to its approved permanent regulatory program. The proposed program amendment consists of language amending the Oklahoma Coal Reclamation Act. The amendment creates a new nine member Oklahoma Mining Commission which will replace the previous 10 member State Mining Board. The amendment specifies length of terms, specific area of representation for each Commission member, and duties and responsibilities of the Commission.

The amendment also creates a new position, that of Director, Oklahoma Department of Mines who serves as chief executive officer in the absence of the Chief Mine Inspector. The amendment also identifies the duties and responsibilities of the Director and interaction between the Director and the Mining Commission.

In accordance with the provisions of 30 CFR 732.17 OSM is seeking comment from the public on the adequacy of the proposed program amendment. If the proposed amendment is found by the Director to be in accordance with SMCRA and no less effective than the Federal regulations, the amendment will be approved and codified at 30 CFR Part 936 as part of the approved Oklahoma program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)*. This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 936

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 23, 1985.

Jed D. Christensen,

Acting Director, Office of Surface Mining.

[FR Doc. 85–25750 Filed 10–28–85; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 938

Public Comment and Opportunity for Public Hearing on a Modification to the Pennsylvania Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by the Commonwealth of Pennsylvania as a Modification to the Pennsylvania Permanent Regulatory Program (hereinafter referred to as the

Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment includes revisions to the State's inspection and enforcement policy and civil penalty program.

This notice sets forth the times and locations that the Pennsylvania program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed regarding the public hearing.

DATES: Written comments not received on or before 4:00 p.m. November 29, 1985 will not necessarily be considered.

If requested, a public hearing on the proposed modifications will be held on November 22, 1985, beginning at 9:00 a.m. at the location shown below under **"ADDRESSES".**

ADDRESSES: Written comments should be mailed or hand delivered to: Robert Biggi, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101.

If a public hearing is held its location will be at: Penn Harris Motor Inn and Convention Center at the Camp Hill Bypass and U.S. 11 and 15, Camp Hill, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Harrisburg Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Pennsylvania program, the proposed modifications to the program, a listing of any scheduled public meeting and all written comments received in response to this notice will be available for reveiw at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each person may receive free of charge, one single copy of the proposed modifications by contacting the Harrisburg Field Office.

Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Streeet, Suite L–4, Harrisburg, Pennsylvania 17101

Office of Surface Mining Reclamation and Enforcement, Room 5124, 1100 "L" Street, NW., Washington, D.C. 20240

Pennsylvania Department of Environmental Resources, Fulton Bank Building, Third and Locust Streets, Harrisburg, Pennsylvania 17120.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommandation. Comments received after the time indicated under "DATES" or at locations other than Harrisburg, Pennsylvania, will not necessarily be considered and included in the Administrative Record for this final rulemaking.

Public Hearing

Persons wishing to comment at a public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business November 12, 1985. If no one requests to comment at a public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber.

Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the OSM office listed under **"ADDRESSES"** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background on the Pennsylvania State Program

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary disapproved the Pennsylvania program. The State resubmitted its program on January 25, 1982, and subsequently the Secretary approved the program subject to the correction of minor deficiences. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** notice (47 FR 33050).

IH. Submission of Program Amendment

On September 30, 1985, Pennsylvania submitted for OSM's review and approval a proposed amendment to the State program (OSM Administrative Record PA 568). The amendment modifies the State's inspection and enforcement policy and civil penalty program as follows:

1. Establishes a 30-day cap for civil penalties to conform with provisions of 30 CFR 845.15(b)(2).

State Program Provision Amended: Civil Penalty Program II, 2.2.

2. Establishes an individual civil penalty requirement to conform with provisions of Section 518 of the Federal Surface Mining Control and Reclamation Act.

State Program Provisions Amended: Civil Penalty Program I and Inspection and Enforcement Policy II, B, 2a(5) and II, B, 2b(4).

3. Provides a limited exception for mandatory civil penalties for Compliance Orders that are issued solely for the purpose of extending an abatement date prescribed in previous inspection report notice.

State Program Provisions Amended: Civil Penalty II(4) and Inspection and Enforcement Policy II, B, 2(4).

4. Modifies the requirements for withholding a license or denying license renewal.

State Program Provision Amended: Inspection and Enforcement Policy II, E.

The Director is seeking comment on the adequacy of the proposed amendments in satisfying the criteria for approval of State program amendments set forth at 30 CFR 732.15 and 732.17. With respect to the proposed penalty provisions, the Director must find that the State's rules incorporate penalties no less stringent than those set forth under Section 518 of SMCRA and 30 CFR Part 845 of the Federal regulations and contain the same or similar procedural requirements relating thereto.

With respect to the proposed enforcement provisions the Director must determine that they incorporate sanctions no less stringent than those set forth under section 521 of SMCRA and 30 CFR Part 843 of OSM's regulations and contain the same or similar procedural requirements relating thereto.

The full text of the proposed amendment in available for review in the OSM Administrative Record under No. PA 568 at the addresses listed above.

IV. Additional Determinations

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review of OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernment relations, Surface mining, Underground mining.

Dated: October 23, 1985.

Jed D. Christensen,

Acting Director, Office of Surface Mining.

[FR Doc. 85–25751 Filed 10–28–85; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6685]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicted on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2768.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirement on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
California	Solano County (Unioncorporated Areas).	Ledgewood Creek	100 feet downstream from center of Rockville Road	*30	*29

Maps available for inspection at Public Works Department, 550 Union Avenue, Fairfield, California.

Send comments to Honorable Don Tippo, Solano County Courthouse, Fairfield, California 94533.

Colorado	Larimer County (Unincorporated Areas).	Dry Creek	At U.S. Highway 287	None	*5,008

Maps available for inspection at Department of Public Works, Larimer County Courthouse, Fort Collins, Colorado.

Send comments to the Honorable Courtlyn W. Hotchkiss, P.O. Box 1190, Fort Collins, Colorado 80522.

Florida	Unincorporated Areas of Hillsborough County.	Buckhorn Creek	At confluence with Alafia River	None	*16
			Just downstream of Kings Avenue	None	*26
		Tributary Canal	At confluence with Buckhorn Creek	None	*25
			About 3,900 feet upstream of confluence with Buckhorn Creek.	None	*30
		Shallow Flooding (ponding from rainfall).	South of Lumsden Avenue and about 0.5 mile west of Kings Avenue.	None	*32

Maps available for inspection at the Department of Development Coordination, P.O. Box 1110, Tampa, Florida.

Send comments to Honorable Norman W. Hickey, County Administrator, P.O. Box 1110, Tampa, Florida 33601.

Florida	City of Tallahassee, Leon County.	Megginnis Arm Tributary	About 2,100 feet downstream of Allen Road	None	*105
			Just downstream of Allen Road	None	*116
		West Arm Tributary	About 200 feet upstream of Miccosukee Road	None	*66
			About 550 feet upstream of Centerville Road	None	*77
		Munson Slough	Within community	None	*38
		North Branch Gum Creek	About 750 feet upstream of Pig Pen Road	None	*77
			About 1,500 feet upstream of Pig Pen Road	None	*78
		Alford Arm Tributary	Just above Centerville Road	None	*81
			About 0.5 mile above Tory Sound Lane	None	*90

Maps available for inspection at the Department of Planning, City Hall, 300 S. Adams Street, Tallahassee, Florida.

Send comments to Honorable Hurley W. Rudd, Mayor, City of Tallahassee, Office of the City Commissioners, City Hall, 300 S. Adams Street, Tallahassee, Florida 32301.

Idaho	Middleton (City), Canyon County	Mill Creek (Mill Slough)	At Boise Street	None	*2,392
			Intersection of 2nd Street South and Brice Avenue	None	*2,398

Maps available for inspection at City Hall, 15 North Dewey, Middleton, Idaho.

Send comments to the Honorable Alice Lanning, P.O. Box 176, Middleton, Idaho 83644.

Illinois	Village of Tinley Park, Cook and Will Counties.	76th Avenue Ditch	Just downstream of 159th Place	*703	*703
			Just downstream of 159th Street	*706	*704

Maps available for inspection at the Village Hall, 17355 S. 68th Court, Tinley Park, Illinois.

Send comments to Honorable Edward J. Zabrocki, Village President, Village of Tinley Park, Village Hall, 17355 S. 68th Court, Tinley Park, Illinois 60477.

Iowa	City of Grimes, Polk County	Little Beaver Creek	About 250 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*921	*921
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*925	*923
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*934	*929
			About 0.3 mile upstream of James Street	*934	*935

Maps available for inspection at City Hall, 508 South First, Grimes, Iowa.

Send comments to Honorable Ron Kramer, Mayor, City of Grimes, 508 South First, Grimes, Iowa 50111.

Maine	Town of Kittery, York County	Atlantic Ocean	Seavey Island, areas landward of the shoreline and lower than the 8.7 foot contour.	None	*9

Maps available for inspection at the Town Hall, 200 Rogers Road, Kittery, Maine.

Send comments to Honorable John R. Kennedy, Kittery Town Manager, York County, Town Hall, P.O. Box 303, Kittery, Maine 03904.

Massachusetts	Wayland, Town, Middlesex County.	Hayward Brook	Approximately 160 feet downstream of Boston Post Road.	*125	*124
			Approximately 170 feet upstream of Boston Post Road.	*137	*130
			Approximately 570 feet downstream of Rich Valley Road.	*137	*130
			Approximately 370 feet downstream of Boston and Main Railroad.	*147	*146

Maps available for inspection at the Office of Lewis L. Bowker, Wayland Flood Insurance Coordinator, Town Hall, Wayland, Massachusetts.

Send comments to Honorable L. Thomas Linden, Chairman of the Board of Selectmen for the Town of Wayland, Town Hall, 41 Cochituate Road, Wayland, Massachusetts 01778.

Michigan	City of Sterling Heights, Macomb County.	Red Run Drain	Mouth at Clinton River	*602	*602
			Just downstream of 14 mile Road	*610	*608
		Plum Brook	Mouth at Red Run Drain	*603	*602
			Just downstream of Schoenherr Road	*603	*603
		Big Beaver Creek	Just downstream of 14 Mile Road	*611	*610
			Just upstream of Conrail	*611	*611
		Sterling Relief Drain	Mouth at Red Run Drain	*606	*604
			Just upstream of Dodge Park Road	*606	*606
		Clinton River	At confluence of Red Run Drain	*602	*600
			Just upstream of Golf Course Bridge	*602	*602

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Engineering Department, 40555 Utica Road, Sterling Heights, Michigan.					
Send comments to Honorable Art Madar, Mayor, City of Sterling Heights, City Managers Office, 40555 Utica Road, Sterling Heights, Michigan 48078.					
New Jersey	Town of Morristown, Morris County.	Great Brook	Approximately 300 feet downstream of upstream Windmill Drive culvert.	*287	*286
			Approximately 540 feet downstream of James Street	*290	*291
Maps available for inspection at the Town of Morristown, Department of Engineering, P.O. Box 709, Morristown, New Jersey.					
Send comments to Honorable Emilio J. Gervasio, Mayor of the Town of Morristown, Morris County, 110 South Street, Morristown, New Jersey 07960.					
North Carolina	City of Greenville, Pitt County	Green Mill Run	Just upstream of confluence of Fornes Run	*25	*25
			Just downstream of South Evans Street	*38	*38
			Just upstream of South Evans Street	*38	*39
			Just downstream of Arlington Boulevard	*39	*40
			About 700 feet upstream of Arlington Boulevard	*40	*42
			Just upstream of Seaboard Coast Line Railroad	*42	*43
		Fornes Run	Just upstream of State Road 1135	*60	*60
			Just upstream of Dalebrook Circle	*37	*37
			Just downstream of 14th Street	*39	*40
Maps available for inspection at City Hall, P.O. Box 7207, Greenville, North Carolina.					
Send comments to Honorable Janice B. Buck, Mayor, City of Greenville, P.O. Box 7207, Greenville, North Carolina 27835-7207.					
Pennsylvania	Latrobe, City, Westmoreland County.	Loyalhanna Creek	4,000 feet upstream of confluence of Sulphur Run	*996	*996
			1,250 feet downstream of Mission Road	*996	*998
			Upstream side of Mission Road	*999	*1,000
			1,000 feet downstream of upstream corporate limits	*1,002	*1,003
			Upstream corporate limits	*1,003	*1,004
Maps available for inspection at the Latrobe Zoning Office, Municipal Building, Latrobe, Pennsylvania.					
Send comments to Honorable Robert L. Barto, Latrobe Borough Manager, 901 Jefferson Street, P.O. Box 829, Latrobe, Pennsylvania 15650.					
Texas	Plano, City, Collin and Denton Counties.	Pittman Creek	Upstream side of Parkhaven Drive	*674	*673
			Upstream side of Independence Parkway	*700	*701
		North Fork, Pittman Creek	Upstream side of Teakwood Lane	*684	*680
Maps available for inspection at the Municipal Annex Building, Plano, Texas.					
Send comments to Honorable Jack Harvard, Mayor of the City of Plano, P.O. Box 358, Plano, Texas 75074.					

Issued: October 9, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-25714 Filed 10-28-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 43

[CC Docket No. 85-308; RM-4878; FCC 85-563]

Annual Report Form M and FCC Form 901

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: In accordance with § 43.21 of Part 43 and § 1.785 of Part I of the Commission's Rules and Regulations, the Commission is considering eliminating certain schedules and raising the reporting limits on other schedules in Annual Report Form M. In addition, in accordance with §§ 43.21 and 43.31 of Part 43 and §§ 1.785 and 1.786 of Part 1 of the Commission's Rules and Regulations, the Commission is considering increasing the minimum operating revenue level necessary to file Annual Report Form M and FCC Form 901. These changes have been proposed because it has been tentatively decided that the changes will not inhibit the Commission from performing its regulatory responsibilities. The amendment of Form M and FCC Form 901 should reduce Common Carriers' reporting burdens.

DATES: Comments are due on or before November 29, 1985. Reply comments are due on or before December 16, 1985.

FOR FURTHER INFORMATION CONTACT: Stephen Steckler, Chief, Financial Reporting Branch, Accounting and Audits Division, Common Carrier Bureau, (202) 634-1861.

SUPPLEMENTARY INFORMATION: The collection of information requirement contained in this proposed rule has been submitted to OMB for review under Section 3504(h) of the Paperwork Reduction Act. Persons wishing to comment on this collection of information requirement should direct their comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for Federal Communications Commission.

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Complaints, Environmental impact statements, Investigations, Radio, Reporting requirements, Telecommunications, Television.

47 CFR Part 43

Communications common carriers, Ocean-Cable, Radiotelegraph, Reporting requirements, Telephone Wire-Telegraph.

Notice of Proposed Rulemaking

In the matter of Amendment of Annual Report Form M and FCC Form 901 (CC Docket No. 85-308, RM-4878).

Adopted October 15, 1985.

Released: October 23, 1985.

By the Commission.

I. Introduction

1. In this Notice of Proposed Rulemaking, the Commission is proposing to modify the reporting requirements of its Annual Report, FCC Form M (Form M) and FCC Form 901, "Monthly Report of Revenues, Expenses,

and Other Items—Telephone Companies" (Form 901). In response to a petition by the Operating Telephone Companies (OTCs) [1] and comments filed earlier in another proceeding by GTE Service Corporation (GTE), the Commission is proposing, in connection with Form M, the elimination of ten schedules and an increase in the reporting threshold for items to be individually reported on 12 other schedules. Also, on its own initiative, the Commission is proposing to raise the annual revenue threshold for carriers required to file Form M and Form 901. These revisions would apply to the Form M for the year ended December 31, 1985 and to the Form 901 beginning in 1986.

II. Background

2. Telephone companies with annual operating revenues in excess of $1 million are required to file Form M annually and Form 901 monthly. Form M provides the Commission with financial, corporate, and statistical data concerning the carriers' operations. Form 901 provides the Commission with summary information concerning income statement and balance sheet items, and certain statistical data.

3. On November 9, 1984, the OTCs submitted a Petition for Rulemaking to reduce reporting burdens associated with Form M. On December 10, 1984, the Commission solicited comments on the OTCs' Petition. Comments were received from the American Telephone and Telegraph Company (AT&T), Southern New England Telephone Company (SNET), and the United States Telephone Association (USTA).

4. In another proceeding, CC Docket 82–680(RM–4076), the GTE Service Corporation (GTE) filed comments recommending the elimination of 11 Form M schedules. In that proceeding the Commission decided that the GTE request fell outside the scope of the proceeding and stated the request would be considered at some future time, FCC 83–138, 48 FR 19373 (1983). Since the GTE request is similar to the OTCs' petition and directed to the same body of reporting requirements, we have decided to include it in this rulemaking.

III. Petition

5. In their Petition the OTCs stated that revision of Form M is necessary because certain reporting requirements have become burdensome, impractical and unnecessary because of changes in the telephone industry, inflation, and other events. While they point out that several Form M schedules were revised in CC Docket 82–680, they state that there has not been a comprehensive revision of Form M since 1965. The OTCs feel that a comprehensive revision of Form M would be consistent with the Paperwork Reduction Act of 1980 [2] and the Commission's goals to ease the burden of industry recordkeeping and reporting, and to reduce government processing costs.

6. Specifically, the OTCs recommended the elimination of 14 schedules in Form M. As an alternative, the OTCs recommended raising the dollar threshold for items required to be reported individually on six of these schedules. In addition, the OTCs proposed raising the dollar threshold for individually reported items on 12 other schedules. A listing of these schedules in provided as Appendix A.

7. The GTE comments in Docket 82–680, requested that the Commission examine 11 schedules in Form M for the purpose of considering their elimination. The GTE and OTC requests duplicate each other only with respect to one schedule, Schedule 71, "Accidents to Employees". A listing of the 11 schedules in the GTE recommendation is provided as Appendix B.

IV. Comments

8. All of the parties commenting on the OTC petition supported it, echoing the view that Form M is burdensome and has become obsolete in some respects because of changes in the telephone industry. AT&T suggested that the Commission examine schedules other than those mentioned in the OTCs' Petition to determine whether they should be modified or eliminated.

Schedules Proposed for Elimination

9. After reviewing the 14 schedules recommended by the OTCs for elimination and the schedules recommended for elimination by GTE, we are proposing to eliminate ten of them. We have tentatively decided that the ten schedules are no longer needed for the Commission's regulatory purposes. Of these ten schedules, five were requested for elimination by the OTCs, four by GTE, and one by both parties. These schedules are as follows:

1. Schedule 16, "Miscellaneous Physical Property" (Account 103 and 315)
2. Schedule 18, "Sinking and Other Funds" (Accounts 104 and 137)
3. Schedule 19, "Special Cash Deposits" (Account 114)
4. Schedule 28, "Notes Payable" (Accounts 158.1 and 158.2)
5. Schedule 44, "Nondistortive Delayed Items"
6. Schedule 54, "Telephone Stations, Data Sets and Data Access Arrangements"
7. Schedule 58A, "Stations Left in Place"
8. Schedule 58B, "Stations Apparatus in Stock"
9. Schedule 70A, "Total Compensation of Employees by Months"
10. Schedule 71, "Accidents to Employees"

Proposed Modification of Other Schedules

10. As suggested by the OTCs, we are proposing to raise the dollar reporting threshold for items to be reported on five schedules from $10,000 to $100,000. These schedules are: (1) Schedule 20, "Notes Receivable" (Accounts 117.1 and 117.2); (2) Schedule 33, "Analysis of Entries in Other Capital and Retained Earnings Accounts"; (3) Schedule 37, "Analysis of Dividend and Interest Income"; (4) Schedule 41, "General Services and Licenses" (Accounts 525 and 674); and (5) Schedule 45, "Analysis of Extraordinary Items and Distortive Delayed Items" (Accounts 360, 365, 370, 375 and 380). Our review of the these schedules leads us to the tentative conclusion that a $100,000 reporting threshold would be appropriate for items reported on these schedules. We believe items above $100,000 are significant and therefore should be monitored.

11. On Schedule 12C, "Analysis of Entries in Property Held for Future Telephone Use" (Account 100.3), carriers are required to report the original cost of property, other than station apparatus, owned and held for no longer than two years under a definite plan for future use. The OTCs proposed reporting on this schedule only when the amounts recorded in account 100.3 exceed 2 percent of the sum of Telephone Plant in Service (Account 100.1), Telephone Plant Under Construction (Account 100.2), Property

[1] The Operating Telephone Companies referred to in this proceedng are: The Bell Telephone Company of Pennsylvania; the Chesapeake and Potomac Telephone Company; Chesapeake and Potomac Telephone Company of Maryland; Chesapeake and Potomac Telephone Company of Virginia; Chesapeake and Potomac Telephone Company of West Virginia; the Diamond State Telephone Company; Illinois Bell Telephone Company; Indiana Bell Telephone Company, Inc.; Michigan Bell Telephone Company; the Mountain States Telephone and Telegraph Company; Nevada Bell; New Jersey Bell Telephone Company; New York Telephone Company; Northwestern Bell Telephone Company; The Ohio Bell Telephone Company; Pacific Bell; Pacific Northwest Bell Telephone Company; South Central Bell Telephone Company; Southern Bell Telephone and Telegraph Company, Southwestern Bell Company; Telephone Company; and Wisconsin Bell, Inc.

[2] 44 U.S.C. 3501 *et seg.*

Held for Future Telephone Use (Account 100.3) and Telephone Plant Acquisition Adjustment (Account 100.4). In those instances where the 2 percent level is exceeded, the OTCs would limit reporting to items in excess of $100,000, as opposed to the current requirement to report items of $50,000 or more. We are proposing to raise the reporting limit to items of $100,000 or more, but reporting on this schedule would continue to be required regardless of the percentage relationship to the Plant in Service Accounts. The percentage relationship suggested by the OTCs could, in many cases, remove the capability of the Commission to monitor how long significant items are remaining in Account 100.3. We are of the tentative view that raising the limit for items to be reported separately represents a reasonable compromise between what the Commission would regard as significant and reducing the reporting burdens of the carriers.

12. On Schedule 17, "Investments" (Accounts 101.1, 101.2, 102, and 116), carriers show investments and advances to affiliates. The OTCs recommended eliminating entries for Account 102, "Other Investments", and Account 116, "Temporary Cash Investments", except when investments represent a controlling interest, and raising the monetary limit of items to be reported to $100,000. We believe that information on all of the aforementioned investment and advance accounts are necessary, but we are proposing to raise to $100,000 the threshold for reporting items separately.

13. On Schedule 21, "Accounts Receivable" (Accounts 120.1 and 120.2) and Schedule 29, "Accounts Payable" (Accounts 159.1 and 159.2), carriers report the ten largest items in excess of $10,000 in each account. The OTCs recommended raising the $10,000 threshold to $1 million. We are proposing the $1 million criterion recommended by the OTCs, although not without some misgivings. In the final rule we may adopt a lower reporting trigger of $100,000, and comments are specifically requested on whether this or some other amount would be more appropriate.

14. In connection with Schedule 30A, "Other Deferred Credits" (Account 174), most items reported in this schedule are awaiting final determination from the IRS, state commissions, and Federal agencies. The OTCs proposed the elimination of the reporting of all items in this schedule except for the Investment Tax Credit on lines 1–5. If other items are needed, the OTCs would limit the reporting to items in excess of $1 million, an increase from the currently prescribed level of $10,000. The Commission needs to review items reported in this schedule for ratemaking purposes, and therefore, we are not proposing to eliminate any entries. We are proposing the $1 million criterion recommended by the OTCs, but in the final rule may ultimately adopt a threshold of $100,000. Again, we are specifically soliciting comments on which amount, or any other in between, would be more appropriate.

15. In connection with Schedule 13A, "Analysis of Telephone Plant Acquired" (Account 276) and Schedule 22, "Deferred Charges" (Account 138 and 139), the OTCs requested that these schedules be eliminated or, as an alternative to elimination, that the Commission increase the prescribed monetary limits for items to be reported on them. We propose that the prescribed monetary limits be increased for these schedules as follows: For Schedule 13A, the OTCs recommended increasing the monetary limit from $50,000 to $1 million. The OTCs state that an increase in the monetary limit to $1 million would make the items reported on this schedule consistent with Section 31.2–21 of the Commission's Rules and Regulations, which requires carriers to submit to the Commission for consideration and approval copies of journal entries relating to acquisition of telephone plant where the consideration paid is $1 million or more. For Schedule 22, the OTCs recommended raising the monetary limit from $10,000 to $100,000. The OTCs state that less than 3% of the dollars involved would be removed, while upwards of 25% of the items would be eliminated if the dollar limit is increased to $100,000. Because increasing the monetary limits for these schedules could reduce the carriers' reporting burdens without significantly affecting the regulatory information needed by the Commission, we propose that the prescribed monetary limits be raised to $1 million for Schedule 13A and to $100,000 for Schedule 22.

Schedules To Be Retained Without Change

16. Schedule 14C, "Bases of Charges for Depreciation" provides the Commission with data regarding depreciable plant. The OTCs stated that this schedule should be eliminated since the information provided is duplicative of data available in more detail at the triennial depreciation represcription meetings attended by the carriers and the Commission. However, only one-third of the carriers are scheduled to meet each year to represcribe depreciation rates. On a yearly basis this schedule provides the only means of ensuring the Commission and the public that carriers are using the prescribed rates. Further, this schedule was modified in Docket 82–513, 48 Fed. Reg. 5928 (1983), to reduce the burdens on carriers by eliminating parts of the schedule containing information no longer needed by the Commission to meet its current regulatory obligations. Since this schedule has recently been modified to require only the reporting of pertinent data, we are proposing no changes here.

17. Schedule 21A, "Reserve for Uncollectible Accounts" (Account 118(b)) provides the Commission with information regarding the carriers' bad debts. Its shows the carriers' accruals charged to the uncollectible account and depicts the ratio of expense to revenue. The OTCs recommended that this schedule be eliminated because they believe it serves no regulatory purpose. We have reviewed this schedule, and we believe that it is particularly important for the Commission to retain it because of the problems that could occur with joint billing. Also, it provides useful specific information on entries relating to amounts previously written off and provisions for uncollectible intrastate and interstate amounts in addition to accruals charged to account 530, "Uncollectible operating revenues."

18. Schedule 30B, "Accumulated Deferred Income Taxes-Accelerated Tax Depreciation" (Account 176.1) and Schedule 30C, "Accumulated Deferred Income Taxes-Other" (Account 176.2) provide the Commission with detailed information regarding tax adjustments. The OTCs recommended that these schedules be eliminated because they believe that balance sheet and income statement disclosure is adequate. We believe that these schedules provide useful information in tracking the composition, growth and reduction of individual components of deferred taxes. If this information were not provided on these schedules, it would most likely be requested in the form of a footnote elsewhere in the Form M.

19. Schedule 42, "Membership Fees and Dues" (Operating Expenses and/or Account 323) provides the Commission with information on carrier expenses for membership fees and dues. The OTCs recommended elimination of this schedule because it is burdensome to prepare and they believe that it is not needed by the Commission for regulatory purposes. They further contend that this area of expense is one where prudent management is the appropriate control mechanism. We believe that this is an area where

expenses can escalate quickly, and to the extent they are borne or could be borne by the ratepayer, these expenses are of interest to us. For this reason, we are not proposing the elimination of this schedule.

20. Schedule 43, "Donations or Payments for Services Rendered by Persons Other Than Employees" provides the Commission with information on the carriers' expenses for services rendered by nonemployees. The OTCs request that this schedule be eliminated or, as an alternative, that the monetary level be increased from $25,000 to $100,000. The OTCs believe this schedule to be one of the most burdensome, and they see no regulatory purpose for this schedule. This schedule was reviewed by the Commission two years ago in CC Docket 82–680 *supra.*, and, at that time, it was decided that it was necessary for the Commission's regulatory needs. However, the commission did raise the monetary limit on this schedule from $10,000 to $25,000 primarily because of inflation. We believe this schedule is still of regulatory interest and because the monetary limits have not been materially affected by inflation in the past two years, we are not proposing any change.

21. Schedule 50, "Outside Plant Statistics" provides information broken down by state, relating to the carriers' cables, conduits, channels, and radio relays. These data are incorporated in an annual report on telephone statistics published annually by the Industry Analysis Branch of the Commission. These statistics also assist the Commission in performing a state by state analysis of carriers' outside plant. In addition, the Commission uses the information contained in this schedule for its analysis of bypass. Because of the need for information supplied by this schedule, we have decided to retain it.

22. Schedule 51, "Statistics Relating to Central Offices"; Schedule 52 "Access Lines in Service"; and Schedule 53 "Telephone Calls" were amended by the Commission on January 29, 1985. In view of the recency of the amendment of these schedules, we are not adopting the GTE recommendation, which basically addressed the content of these schedules prior to their modification.

23. Schedule 56, "Interest Private Line Statistics" provides the Commission with data regarding the carrier's use of various private line services. The information provided in this schedule is used by the Commission in its analysis of bypass methods, particularly with regard to telephones. The statistics gathered in this schedule enables the Commission to gauge the effects of competition in the area of bypass. We have therefore decided to retain this schedule.

24. Schedule 60B, "Pensions Paid" provides detailed information regarding the pensions paid by the carriers. It also provides information on the number of employees eligible for and receiving pension funds. This schedule serves as a useful tool for the Commission to use in monitoring the growth in the pension cost and pension accrual rates and the number of employees engaged in each carrier's pension program. Additionally, this information is used to monitor pension costs chargeable to the telephone ratepayer. We have therefore decided to retain the schedule.

25. On Schedule 38, "Miscellaneous Income Charges" (Account 323), carriers are required to report the 10 largest items amounting individually to $10,000 or more. The OTCs recommended raising the threshold for individually reported items to $100,000. We are not proposing to raise the limit in this proceeding because items reported on this schedule contain items of regulatory interest such as charitable deductions and entertainment expenses, as well as other items which have been and will continue to be matters of interest in rate proceedings.

26. Schedule 39, "Special Expenses Attributable to Formal Regulatory Cases" contains information on a broad range of regulatory expenses. The OTCs have recommended raising the limitation for individually reported items on this schedule to $100,000. We are not proposing to raise the limitation because this schedule was recently examined in CC Docket 82–680 wherein the reporting limits for individually reported items were raised from $500 to $10,000.

Increase in Minimum Operating Revenue Requirement for Filing Form M and Form 901

27. Finally, in this NPRM, we are proposing on our own initiative to increase the minimum operating revenue requirement for carriers to file Form M and Form 901. Many smaller telephone companies now have operating revenues in excess of $1 million and under current rules are required to file these reports. However, these reports are burdensome for the smaller companies to prepare, partly due to their limited staff. Our proposed increase would affect approximately 22 carriers. Should the Commission need financial information from these companies that is currently provided in these reports, it can be requested on an as needed basis. In an effort to ease the reporting burdens for these smaller telephone companies, we propose that the minimum operating revenue requirement to file Form M and Form 901 be increased to operating revenues in excess of $100 million. Commonly controlled telephone companies would, however, be treated as a single entity for purposes of applying the $100 million exemption.

V. Other Matters

28. If the foregoing proposals are adopted, the Table of Contents and the Indices for Form M will be amended accordingly. In addition, if this proposal is adopted, §§ 43.21 and 43.31 of Part 43 of our Rules and Regulations will be amended to reflect the minimum operating revenue requirement for telephone carriers filing Form M and Form 901.

29. In compliance with the provisions of section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), we certify that these reporting changes can be readily implemented by all carriers filing Form M and Form 901 without significant economic impact, and, in fact, will ease the reporting requirements of these carriers, both large and small. The rationale for the proposed changes is outlined in the preceding discussion.

30. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments in the proceeding must prepare a written summary of the presentation on the day of oral presentation. That written summary must be served on the Commission's Secretary for inclusion in the public file with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary

has been served, and must also state by docket number the proceeding to which it relates. *See* generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of these Commission procedures governing *ex parte* presentations in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, DC 20554.

31. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and providing that the fact of the Commission's reliance on such information is noted in the Report and Order.

VI. Ordering Clauses

32. Accordingly, it is ordered, that pursuant to the provisions of section 4(i) and 219, and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 219 and 220, there is hereby instituted a notice of proposed rulemaking into the foregoing matter.

33. It is further ordered, that all interested persons may file comments on the specific proposals discussed in the NPRM on or before November 29, 1985. Reply comments shall be filed on or before December 16, 1985. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, 47 CFR 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. Copies of the documents will be available for public inspection in the Commission's Docket Reference Room, 1919 M Street, NW., Washington, DC.

34. It is further ordered, pursuant to section 220(i) of the Communications Act, 47 U.S.C. 220(i), that the Secretary shall cause a copy of this Notice to be served on each state commission.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Summary of OTCs' Request

14 Schedules Proposed for Elimination

1. Schedule 13A, "Analysis of Telephone Plant Acquired" (Account 276)—The OTCs propose to eliminate this schedule or, as an alternative, to raise the monetary limit from $50,000 to $1,000,000.

2. Schedule 14C, "Bases of Charges For Depreciation"—The OTCs propose to eliminate this schedule.

3. Schedule 16, "Miscellaneous Physical Property" (Accounts 101 and 315)—The OTCs propose to eliminate this schedule or, as an alternative, to eliminate the reporting of all nonregulated property, to raise the monetary limit from $50,000 to $100,000 and to report only items when the amount in the accounts exceed 2% on line 5, Schedule 10, "Balance Sheet" (Plant in Service).

4. Schedule 18, "Sinking And Other Funds" (Accounts 104 and 137)—the OTCs propose to eliminate this schedule.

5. Schedule 19, "Special Cash Deposits" (Account 114)—The OTCs propose to eliminate this schedule or, as an alternative, to raise the monetary limit from $50,000 to $100,000.

6. Schedule 21A, "Reserve For Uncollectible Accounts" (Account 118(b))—The OTCs propose to eliminate this schedule.

7. Schedule 22, "Deferred Charges" (Accounts 138 and 139)—The OTCs propose to eliminate this schedule or, as an alternative, to raise the monetary limit from $10,000 to $100,000.

8. Schedule 28, "Notes Payable" (Accounts 158.1 and 158.2)—The OTCs propose to eliminate this schedule or, as an alternative, to raise the monetary limit from $10,000 to $100,000.

9. Schedule 30B, "Accumulated Deferred Income Taxes-Accelerated Tax Depreciation" (Account 176.1)—The OTCs propose to eliminate this schedule.

10. Schedule 30C, "Accumulated Deferred Income Taxes-Other (Account 176.2)—The OTCs propose to eliminate this schedule.

11. Schedule 42, "Membership Fees And Dues"—The OTCs propose to eliminate this schedule.

12. Schedule 43, "Donations Or Payments For Services Rendered By Persons Other Than Employees"—The OTCs propose to eliminate this schedule or, as an alternative, to raise the monetary limit from $25,000 to $100,000.

13. Schedule 44, "Nondistortive Delayed Items"—The OTCs propose to eliminate this schedule.

14. Schedule 71, "Accidents To Employees"—The OTCs propose to eliminate this schedule.

12 Schedules in Which Increases in Monetary Limits Are Proposed

15. Schedule 12C, "Analysis Of Entries In Property Held For Future Telephone Use" (Account 100.3)—The OTCs propose to report entries only if the amount in account 100.3 exceeds 2% of line 5, Schedule 10, "Balance Sheet" (Plant in Service) and to raise the monetary limit from $50,000 to $100,000.

16. Schedule 17, "Investments" (Accounts 101.1, 101.2, 102 and 116)—The OTCs propose to eliminate entries for accounts 102 and 116 except where they represent a controlling interest and to raise the monetary limit from $10,000 to $100,000.

17. Schedule 20, "Notes Receivable" (Accounts 117.1 and 117.2)—The OTCs propose to raise the monetary limit from $10,000 to $100,000.

18. Schedule 21, "Accounts Receivable" (Accounts 120.1 and 120.2)—The OTCs propose to list the ten largest items in each account in excess of $1,000,000 from in excess of $10,000.

19. Schedule 29, "Accounts Payable" (Accounts 159.1 and 159.2)—The OTCs propose to list the ten largest items in each account in excess of $1,000,000 from in excess of $10,000.

20. Schedule 30A, "Other Deferred Credits" (Account 174)—The OTCs propose to eliminate the reporting of all items except Investment Tax Credits on lines 1–5. If other items are needed, they propose to limit reporting to items in excess of $1,000,000 from $10,000.

21. Schedule 33, "Analysis Of Entries In Other Capital And Retained Earnings Accounts"—The OTCs propose to raise the monetary limit from $10,000 to $100,000.

22. Schedule 37, "Analysis Of Dividend And Interest Income"—The OTCs propose to raise the monetary limit from $10,000 to $100,000.

23. Schedule 28, "Miscellaneous Income Charges" (Account 323)—The OTCs propose to raise the monetary limit from $10,000 to $100,000.

24. Schedule 39, "Special Expenses Attributable To Formal Regulatory Cases"—The OTCs propose to raise the monetary limit from $10,000 to $100,000.

25. Schedule 41, "General Services And Licenses" (Accounts 325 and 674)—The OTCs propose to raise the monetary limit from $10,000 to $100,000.

26. Schedule 45, "Analysis Of Extraordinary Items And Distortive Delayed Items" (Accounts 360, 365, 370, 375 and 380)—The OTCs propose to raise the monetary limit from $10,000 to $100,000.

Appendix B—List of Schedules Requested for Elimination by GTE

1. Schedule 50, "Outside Plant Statistics"

2. Schedule 51, "Statistics Relating to Central Offices"

3. Schedule 52, "Access Lines in Service"

4. Schedule 54, "Telegraph Station, Data Sets and Data Access Arrangements"

5. Schedule 55, "Telephone Calls"

6. Schedule 56, "Interstate Private Line Statistics"

7. Schedule 58A, "Station Left in Place"
8. Schedule 58B, "Station Apparatus in Stock"
9. Schedule 60B, "Pensions Paid"
10. Schedule 70A, "Total Compensation of Employees by Months"
11. Schedule 71, "Accidents to Employees"

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BILLING CODE 6712-01-M

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47 CFR Part 64

[CC Docket No. 81-893; FCC 85-565]

Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry)

AGENCY: Federal Communications Commission.

ACTION: Fourth notice of proposed rulemaking.

SUMMARY: The Commission proposes to detariff the customer premises equipment (CPE) which the Bell Operating Companies (BOCs) retained at divestiture. The Commission believes that the detariffing of this equipment is necessary to create an unregulated, competitive CPE marketplace. The Notice proposes to permit the states the flexibility to decide the appropriate regulatory treatment of CPE located at Public Answering Points used in connection with 911 emergency service, to continue the current regulatory treatment of pay telephones and official services equipment, and to require the BOCs to detariff and transfer to the BOCs' CPE subsidaries the CPE associated with Centrex service, Automatic Call Distribution service, telephone answering services, and extensions to pay telephone. The Commission also seeks comment on the proper regulatory treatment of 101 ESS switches used in providing Centrex-CU service. Last, the Commission postpones the detariffing of "embedded" Network Channel Terminating Equipment until such time as it releases an Order in the Third Computer Inquiry.

DATES: Comments must be received on or before December 20, 1985; reply comments are due on or before January 6, 1986; Information from the Bell Operating Companies due on November 21, 1985.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kurt DeSoto at (202) 632-6917 or John Cimko at (202) at 632-6387.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 64

Communications, Common carriers, Customer premises equipment, Detariffing.

In the matter of procedures for implementing the detariffing of customer premises equipment and enhanced services (Second Computer Inquiry): Southwestern Bell Telephone Company; Petitions to detariff and transfer to Southwestern Bell Telecommunications, Inc., certain Embedded Customer Premises Equipment; CC Docket No. 81-893; File Nos. ENF 84-39, 84-42.

Adopted: October 16, 1985.
Released: October 21, 1985.

By the Commission.

I. Introduction

1. In this proceeding we shall propose criteria and procedures for the removal of the Bell Operating Companies' (BOCs) embedded customer premises equipment (CPE) [1] from regulated and tariffed service in a manner consistent with the objectives of the *Second Computer Inquiry*.[2] This Notice also addresses two related petitions filed by Southwestern Bell Telephone Company seeking to detariff and transfer to its subsidiary, Southwestern Bell Telecommunications, Inc., the embedded CPE leased to five customers.[3]

2. Briefly, we propose to detariff and transfer to the BOCs' CPE subsidiaries certain categories of embedded CPE and invite comment regarding the proper regulatory treatment of other categories. In addition, we tentatively propose to defer to the states the decision to detariff CPE used in connection with 911 emergency services. Last, this Notice requests additional information from the BOCs regarding the types, functions and quantities of equipment within their embedded base.

II. Background

A. Second Computer Inquiry

3. In the *Second Computer Inquiry* we concluded that "CPE is a severable commodity from the provision of transmission services and that regulation of CPE under Title II [of the Communications Act of 1934] is not required and is no longer warranted." *Final Decision*, 77 FCC 2d at 388. We stated that "the terminal equipment market is subject to an increasing amount of competition as new and innovative types of CPE are currently introduced into the marketplace by equipment vendors." *Id.* at 439. We concluded that "continued provision of CPE by common carriers under regulation impedes the evolution of a truly competitive CPE marketplace." *Reconsideration Order*, 84 FCC 2d at 65.

4. The Commission subsequently adopted a bifurcated approach to detariffing CPE which would enable regulators to address separately equipment that is "embedded," *i.e.*, subject to the jurisdictional separations process and provided under tariff as of January 1, 1983, and "new" equipment that was acquired by a carrier or manufactured by an affiliated entity after January 1, 1983. *Id.* at 66. We detariffed new CPE on January 1, 1983. Embedded CPE, on the other hand, was to be detariffed in a separate "implementation proceeding" which would address issues of asset valuation, capital recovery, alternative mechanisms by which the transition to an unregulated CPE environment may be achieved, and the appropriate time period for removal of embedded CPE investment from the separations process and carriers' rate bases. *Id.* at 69.

B. Implementation Proceeding

1. Notice of Proposed Rulemaking

5. Our first Notice of proposed Rulemaking (Notice) in the implementation proceeding conducted in this docket provided specific proposals for the detariffing of CPE owned by the American Telephone and Telegraph Company (AT&T).[4] In the Notice, we adopted a tentative view "that the most effective detariffing plan would be to combine the sale of embedded CPE in place with the transfer of embedded CPE to the carrier's unregulated service . . ." Notice, 94 FCC 2d at 85. We indicated several advantages to this

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[1] We have defined "CPE" to include all equipment provided by a common carrier and located on customer premises, except over-voltage protection equipment, inside wiring, coin-operated or pay telephones, and mutiplexing equipment to deliver multiple channels to the customer. Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry), Memorandum Opinion and Order on Further Reconsideration, 88 FCC 2d 512 n.1 (1981). For purposes of this proceeding, "embedded" CPE includes "all CPE owned by carrier, including inventory, which is tariffed or subject to the separations process as of the bifurcation date [January 1, 1983]." *Id.* at 513. "New" CPE is "[a]ny other CPE which is acquired by a carrier or manufactured by an affiliated entry after [the bifurcation date]." *Id.* at 528.

[2] Amendment of § 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry), 77 FCC 2d 384 (*Final Decision*), *recon.*, 84 FCC 2d 50 (1980) (*Reconsideration Order*), *further recon.*, 88 FCC 2d 512 (1981) (*Further Reconsideration Order*), *aff'd sub nom. Computer & Communications Industry Ass'n* v. *F.C.C.*, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied*, 461 U.S. 938 (1983), *second further recon., FCC 84-190, released May 4, 1984.*

[3] *See* File Nos. ENF 84-39, 84-42.

[4] We released this Notice of Proposed Rulemaking on June 21, 1983, 94 FCC 2d 76 (1983).

approach. First, it increases choices for consumers. Second, it advances our deregulatory goals of promoting a more competitive marketplace. Third, it meets the requirement expressed in *Democratic Central Committee* [5] regarding the treatment of any gains or losses in connection with the removal of utility assets from regulated service. *Democratic Central Committee* requires that regulators ensure that the gains or losses on the transfers or sale of assets accrue to the entity, carrier investors or ratepayers, which bore the risk of loss of capital value over the regulated life of the asset.[6]

6. We tentatively concluded that investors must receive their net investment when CPE is removed from regulated service. Any gains or losses from the sale or transfer, however, should accrue to the ratepayer, since the risk of loss had been borne by the ratepayer. We also tentatively concluded that AT&T should use net book value as a substitute for economic value in appraising its embedded CPE base. It was our further tentative view that the requirement of *Democratic Central Committee* would be satisfied if embedded CPE is offered for sale first to embedded CPE customers at net book value plus reasonable transaction costs. This approach would give customers the opportunity to capture any gains in the value of the equipment and thereby ensure that the entities transferring the equipment did not undervalue the equipment. This approach also protected customers from the adverse effects associated with the removal of the embedded base from regulated service, *e.g.*, the transition from tariffed lease rates to detariffed rates.

7. After we issued our Notice of Proposed Rulemaking in the implementation proceeding, our task was complicated by the Modification of Final Judgment (MFJ) [7] entered by the District Court for the District of Columbia. The MFJ required the BOCs (which were then owned by AT&T) to transfer to AT&T not later than February 24, 1984, all of their embedded CPE except for certain categories of equipment included in Accounts 231 and 234. The equipmment in those accounts consists of official service equipment, public telephones, network channel terminating equipment, and certain other equipment discussed below.

2. AT&T CPE Detariffing Order

8. On November 23, 1983, we adopted the *AT&T CPE Detariffing Order* [8] to provide criteria and procedures for the removal from tariff of embedded CPE which the BOCs were not required to transfer to AT&T.[9] In that Order, we established detariffing requirements for valuation; a sale and lease program for residence, single-line and multi-line CPE, billing and support; maintenance; deferred tax reserves and unamortized tax credits; land and building valuation and transfer; accounting rules; and intrasystem wiring. We concluded that a sale plan together with the transfer of embedded CPE to unregulated service is the best means to achieve a competitive CPE marketplace. Further, we concluded that the plan established in the Order meets the requirements of *Democratic Central Committee* since it equitably balances the interests of ratepayers and investors.

3. Second and Third Report and Order

9. In our Second Report and Order in this proceeding, we gave states the flexibility to fashion mechanisms for detariffing the embedded CPE used in mobile telephone service.[10] We set only general parameters for these mechanisms, including requiring detariffing to occur as of January 1, 1985. We also allowed states the flexibility to establish valuation standards and other detariffing mechanisms for removal of the CPE from regulated service, as long as those standards are consistent with the requirements of *Democratic Central Committee.*

10. We also outlined procedures for detariffing wireline CPE owned by independent telephone companies. In our Third Report and Order, we directed state commissions to oversee the detariffing process, and gave them the flexibility to deregulate independent CPE before December 31, 1987.[11] This flexible framework allows the states to address the particular circumstances in their jurisdictions subject only to a limited number of federal guidelines. These guidelines include: (1) that states certify to the Commission that they have adopted a plan or have taken other steps to ensure that CPE is detariffed;[12] (2) that the valuation methods established by the states balance the interests of ratepayers and investors consistent with *Democratic Central Committee;* and (3) that states follow accounting and tax procedures established by the Commission in the *AT&T CPE Detariffing Order.*

C. BOC Embedded Base

11. The categories of embedded equipment which the BOCs were not required to transfer to AT&T at divestiture are much narrower than those addressed in our earlier Orders. Whereas those Orders dealt with both residential and business embedded CPE in a wide variety of categories, the BOC embedded equipment and related items are confined to eight categories:[13]

(A) CPE located at Public Service Answering Points used in connection with 911 emergency service (911 CPE);

(B) Official Services Equipment;

(C) Public and Semi-public telephones and extensions (Pay telephones);

(D) Centrex attendant positions equipment (Centrex equipment);

(E) 60-type console control cabinets and minicomputers associated with Automatic Call Distribution service (ACD equipment);

(F) Concentrator-identifier systems associated with telephone answering service systems (Concentrator-identifier equipment);

(G) 101 ESS switches used in providing Centrex-CU service (101 ESS switches); and

(H) Network channel terminating equipment (NCTE).

III. Proposals

12. This section outlines our proposals for detariffing and transferring to CPE subsidiaries and embedded base

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[5] Democratic Cent. Comm. v. Washington Metro. Area Transit Comm'n, 485 F.2d 786 (D.C. Cir. 1973), *cert. denied,* 415 U.S. 935 (1974) hereinafter, together with companion cases, referred to as *(Democratic Central Committee*). For a list of companion cases, see *AT&T CPE Detariffing Order,* 95 FCC 2d at 1312 n.48.

[6] *Democratic Central Committee,* 485 F.2d at 807–08.

[7] The MFJ was filed on August 24, 1982, in conjunction with United States v. American Tel. & Tel. 552, F. Supp. 131 (D.D.C. 1982), *aff'd subnom.* Maryland v. United States, 460 U.S. 1001 (1983) (*States v. AT&T*).

[8] Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry), CC Docket No. 81–893, Report and Order, 95 FCC 2d 1276 (1983), *recon.,* 50 Fed. Reg. 9,016 (1985), *further recon., FCC 85–220 (released May 15, 1985) (AT&T CPE Detariffing Order*).

[9] *See generally AT&T CPE Detariffing Order,* 95 FCC 2d at 1282 n.9.

[10] Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry), CC Docket No. 81–893, Second Report and Order, 98 FCC 2d 814 (1984).

[11] Procedures for Implementing the detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry), CC Docket No. 81–893, Third Report and Order, 99 FCC 2d 354 (1984), *recon. denied,* FCC 85–118, released Mar. 27, 1985.

[12] As of the adoption of this Notice of Proposed Rulemaking, the Commission has approved one state certification and has received six other certifications.

[13] *See AT&T CPE Detariffing Order,* 95 FCC 2d at 1282 n.9; *see also* Plan of Reorganization (POR) filed by AT&T on December 16, 1982, pursuant to *United States v. AT&T.*

retained by the BOCs. These proposals include (1) permitting the states the flexibility to decide the appropriate treatment of CPE located at Public Service Answering Points used in connection with 911 emergency service; (2) continuing our current treatment of pay telephones and official services equipment; and (3) requiring the BOCs to detariff and transfer the CPE associated with Centrex service, ACD service, telephone answering services, and extensions to pay telephones. In so doing, we will require the BOCs to follow the procedures set forth in our AT&T CPE detariffing Order as modified below. We also seek comment concerning the proper regulatory treatment of 101 ESS switches. Last, we postpone the detariffing of "embedded" NCTE until such time as we issue an Order in the Third Computer Inquiry.[14]

13. To facilitate comment on our proposals, we direct the BOCs to file within 30 days of our release of this Notice a complete description of the types of equipment within each category. The reports should list the types of equipment, including peripheral equipment, the BOCs own in each category and list the approximate net book value of the equipment by category. The reports should also indicate whether the BOCs retained at divestitute any equipment not listed above that might reasonably be classified as "CPE."

A. Equipment Which Is Not Required To Be Detariffed

1. 911 Equipment

14. It is our tentative view that we should defer to the states the decision to detariff the embedded equipment associated with the provision of 911 emergency service. 911 communications service enables callers in local exchange to dial "911" and to be connected to a Public Safety Answering Point (Answering Point) which dispatches fire, police or ambulance services. Equipment associated with this service can include ANI control cabinets, ACI minicomputers and associated consoles and display units. This equipment permits the caller's number as well as the location from which the call is made to be routed, stored, and displayed at the Answering Point.[15]

15. The Common Carrier Bureau concluded in an Order released January 8, 1985, that the provision of 911 emergency service directly advances the statutory objective embodied in Section 1 of the Communications Act, 47 U.S.C. § 151, of "promoting safety of life and property through the use of wire and radio communications." [16] It found that 911 calls are unlike conventional telephone services and should be treated differently from other services. *Id.* The Bureau explained that because the equipment at 911 Answering Points is manufactured specifically for receiving 911 calls, and 911 calls received by the Answering Points are normally emergency calls, there are extraordinary requirements for service continuity, reliability and maintenance. *Id.* For example, valuable time will be lost in processing an emergency call unless the telephone network has the ability either to segregate calls to specific 911 Answering Points so that only calls germane to that jurisdiction's emergency services are routed there or to indicate to a central Answering Point which jurisdiction's police, fire or ambulance services are needed. Furthermore, the service is often supported by state and local revenues.

16. We agree with the Bureau's conclusion that it is important to preserve for local and state jurisdictions the option of having this embedded equipment supplied and maintained by the local telephone company in order to ensure the continuity of 911 emergency service and to facilitate prompt response to emergency calls. Thus, we propose to leave to the states the decisions regarding whether and how to detariff this equipment.[17] We caution only that state action should not unnecessarily restrain competiton in the provision of 911 equipment.[18]

2. Official Services Equipment

17. Official services equipment includes equipment used internally by the BOCs and generally located in the building or work areas of the carrier itself.[19] Since this equipment is not located on a customer's premises, it does not fall within the definition of CPE within the meaning of the *Second Computer Inquiry*. Consequently, we will continue to treat this equipment as part of operational investment in the rate base in Account 262, "Other communications equipment." [20]

3. Pay Telephone

18. Coin or pay telephones are specifically excluded from the definition of CPE. *Reconsideration Order*, 84 FCC 2d at 61 n.10. In addition, we recently reaffirmed that public and semi-public telephones may remain tariffed.[21] We therefore find no reason to revisit these decisions.

B. Equipment To Be Detariffed Pursuant to the AT&T CPE Detariffing Order

19. We tentatively propose to detariff and transfer to the BOC CPE subsidiaries the Centrex attendant positions equipment, the ESS/ACD 60-type console control cabinets and minicomputers, the extensions to pay telephones, and the identifier components of the concentrator-identifier systems used by telephone answering services.

1. Types of Equipment

20. *Centrex Equipment:* "Centrex" service is a communications service which furnishes both exchange and intrapremises communications service to individual business customers. Calls among the customer's internal telephone stations (intercom or interoffice calls) as well as calls between the customer's stations and locations outside the office are switched at the central office of the local exchange telephone company. The telephone company may dedicate particular central office switches to one or more Centrex users, but most often uses the same switches used to route other telephone calls for non-Centrex customers. Some Centrex-CU services, which differ from Centrex-CO services, employ a control unit at the telephone company's central office which operates

[14] Amendment of Section 64.702 of the Commission's Rules and Regulations Third Computer Inquiry), CC Docket No. 85–229, Notice of Proposed Rulemaking, FCC 85–397, released Aug. 16, 1985.

[15] *See generally* n.16, *supra; see also* Letter from the Chief, Common Carrier Bureau, to Alfred A. Green, AT&T (Dec. 30, 1982).

[16] Southwestern Bell Telephone Company, File No. ENF 84–44, Mimeo No. 1709, at para. 16, released Jan. 8, 1985 (*911 Order*).

[17] Our proposal governs the CPE located at the 911 attendants' positions, including associated switches and processing database equipment used to implement centralized 911 dispatch services. It does not govern conventional telephone CPE that might be used to place or receive a 911 call.

[18] *See generally id.* at para. 19.

[19] *See generally* POR at 82. According to the POR, the miscellaneous equipment associated with "official services" that was assigned to the BOCs includes video and microwave equipment and 1A, 2A, and 3A data stations.

[20] *See generally* Modifications to the Uniform System of Accounts for Class A and Class B Telephone Companies required by detariffing of customer premises equipment and proposed detariffing of cable/wiring installed as part of an intrasystem of PBXs and key systems, 48 FR 50534 (1983) (*Accounting Order*) (reclassifying "official services" or "company used" equipment from Accounts 231 and 234 into new Account 262, "Other communications equipment").

[21] *See* Petition for Declaratory Ruling of Tonka Tools, Inc. and Southern Merchandise Corp. Regarding American Telephone and Telegraph Compnay Provision of Coinless Pay Telephone, FCC 85–269, released May 22, 1985.

a PBX located on the customer's premises.[22]

21. At the time of divestiture, AT&T estimated that Centrex served over five million lines and provided the BOCs with revenues of $1.2 billion, exclusive of station equipment. The equipment associated with this service includes Centrex attendant positions, Centrex consoles and console cabinets. It also includes about 5,000 Centrex-CO consoles, according to the POR.[23]

22. *ACD Equipment:* Automatic Call Distributing (ACD) is a service which automatically distributes calls from incoming facilities to one or several answering positions.[24] ACD service is used, for example, by companies with large numbers of incoming calls (*e.g.*, reservations for cars, airlines, tickets and hotel rooms). Call distribution is sometimes accomplished through equipment on the customers' premises. A typical function of this equipment is to permit incoming calls to be held in queue when all positions are busy.[25] Types of equipment in this category include cabinet B–50 console common equipment, 20 button agent consoles, 20 button supervisory consoles with alphanumeric displays, printers and multi-button attendant positions.[26]

23. *Extensions to Pay Telephones.* As discussed in paragraph 18, above, we excluded pay telephones from the definition of CPE for purposes of the *Second Computer Inquiry*. In a separate decision, however, we determined that "extensions" to semi-public telephones are CPE and, thus, subject to the requirements relating to the separated provision of CPE.[27] Consequently, we propose to detariff and transfer the "embedded" extensions to pay telephones in a manner similar to our treatment of other CPE.

24. *Concentrator-Identifier Equipment:* According to AT&T, telephone answering services employ a two-part concentrator-identifier system.[28] The identifier component is physically located on the customer's premises while the concentrator component is located in the BOCs' central office. Although we consider the concentrator component to be network equipment, the identifier component appears to fall within the definition of CPE.[29]

2. Proposed Detariffing Procedures

25. We tentatively conclude that these four categories of equipment are severable from the provision of transmission service, and therefore should be removed from regulation under Title II of the Communications Act.

26. We further tentatively conclude to detariff this CPE on a national rather than state-by-state basis. Although we allowed the states to detariff CPE owned by the independent telephone companies and tariffed at the state level,[30] we propose to detariff BOC CPE on a national basis because there are few BOCs, their operations are familiar to us, and they tend to own standard types of equipment which was acquired when they were part of the Bell System. We believe that in these circumstances it will be less burdensome to the BOCs and will promote uniform treatment of like equipment to detariff embedded CPE with a single plan. It will also speed the review process and, thus, our progress toward a fully competitive CPE marketplace. Moreover, it is our view that it should be our continuing responsibility to address the attendant public policy issues raised by our requirement that the BOCs establish separate CPE subsidiaries to support detariffed CPE. Nevertheless, we invite comment regarding the propriety of detariffing BOC embedded CPE on a national basis.

27. Except for the modifications described below, we also propose to require the BOCs to follow the procedures set out in the *AT&T CPE Detariffing Order* for the deregulation of multi-line CPE owned by AT&T. Generally, we propose to require the BOCs to offer embedded CPE for sale to subscribers during a two-year transition period. The modifications we propose include (1) directing the BOCs to offer the CPE for sale at prices that do not exceed net book value plus reasonable transaction costs in the aggregate for each category of equipment;[31] (2) requiring sale prices to remain fixed during the transition period; (3) allowing month-to-month lease rates, if applicable, to be adjusted only at eight-month intervals to reflect increases in the Consumer Price Index;[32] (4) leaving as a matter of state contract law the issues regarding the validity, enforceability and assignability of fixed-term leases;[33] and (5) requiring embedded CPE to be offered for sale either through regional sales programs or through written notice to individual customers no later than June 1, 1986, so that detariffing may begin on June 1, 1986, and the transition period may be completed by May 31, 1988.

28. We also propose to require the BOCs to follow the procedures in the *AT&T CPE Detariffing Order* that pertain to the restrictions on the transfer and reformatting of customer proprietary information,[34] the continuation of maintenance and support of the embedded CPE during the transition period,[35] and the transfer to CPE subsidiaries of deferred tax reserve accounts and investment tax credits.[36] In addition to the CPE to be transferred, the BOCs may have supporting assets which must also be transferred to unregulated accounts. We propose to require the BOCs to follow the procedures we have outlined in our *AT&T CPE Detariffing Order* with respect to these assets.[37] Specifically, we will require the BOCs to transfer land and buildings to their CPE subsidiaries at appraised value. All other supporting assets, however, will be transferred at net book value.

29. We solicit comments as to the propriety of applying these provisions and modifications of the *AT&T CPE Detariffing Order* to the BOCs. We also

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[22] According to the POR, Centrex-CU is an active offering only in Colorado. In other jurisdictions it is provided only to existing customers. POR at 85 n.83.

[23] In a letter dated July 13, 1984, the Chief, Common Carrier Bureau, permitted Pacific Northwest Bell Telephone Company to offer four 50B consoles on an interim basis pending the outcome of this proceeding. Letter from Chief, Common Carrier Bureau, to Alan J. Gardner, Esq., Pacific Northwest Bell Telephone Company (July 13, 1984).

[24] ESS–ACD equipment used with Dimension 2000 ACD installations was transferred to AT&T in the *AT&T CPE Detariffing Order*.

[25] *See generally* Petition of Southwestern Bell Telephone Company to Detariff and Transfer to Southwestern Bell Telecommunications, Inc., Certain Customer Premises Equipment, File No. ENF 84–42 (filed July 17, 1984).

[26] Southwestern Bell Telephone Company, Further Supplement to Petitions for Relief, File Nos. ENF 84–39, 84–42 (filed Oct. 16, 1984).

[27] *See Accounting Order*, 48 FR 50534 (1983). An extension is equipment attached to public, pay telephones typically located on private premises or in a private establishment and used by the owner or employees of the private establishment.

[28] Secretarial switchboards used by telephone answering services were detariffed in the *AT&T CPE Detariffing Order*.

[29] We tentatively made this conclusion even though, as AT&T explained in the POR, the identifier component must interact with the concentrator component so as to operate as a single system. POR at 85–86.

[30] *See* paras. 9–10, *supra*.

[31] *See generally AT&T CPE Detariffing Order*, 95 FCC 2d at 1310 *et seq.*

[32] *Id.* at 1325–27.

[33] *See generally* Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry), CC Docket No. 81–893, Memorandum Opinion and Order, FCC 85–220, released May 15, 1985, *petitions for review filed, AT&T-IS v. F.C.C.*, No. 85–1198 (D.C. Cir. 1985) (and consolidated cases).

[34] *AT&T CPE Detariffing Order*, 95 FCC 2d at 1349 *et seq.*

[35] *Id.* at 1356 *et seq.*

[36] *Id.* at 1359, Appendix A.

[37] *Id.* at 1365–67.

request comment as to whether we should adopt additional procedures to accomplish our goal of removing embedded CPE from regulated service in a manner which furthers the principles articulated in the *Second Computer Inquiry*.

30. To remain consistent with the proposals we have outlined in this Notice, we will postpone our decision on Southwestern Bell Telephone Company's two petitions seeking permission to detariff and transfer ACD equipment to its CPE subsidiary, Southwestern Bell Telecommunications, Inc. (Telecom). By letter dated September 20, 1984, to William C. Sullivan, Southwestern Bell, the Chief, Common Carrier Bureau, requested more specific information regarding the CPE involved.[38] In its response, Southwestern Bell agreed to charge customers lease rates equal to tariffed leased rates for two years after the transfer, but did not commit to offering the equipment for sale.[39] As we indicated earlier, we view the sale requirement as essential to the satisfaction of the equitable principles of *Democratic Central Committee*. Therefore, we decline at this time to address Southwestern Bell's requests so that it may detariff and transfer the equipment to Telecom in the manner we will subsequently set forth in this proceeding.

C. Remaining Equipment

1. 101 ESS Switches

31. We currently have insufficient information to determine the proper regulatory treatment of the 101 ESS switches used in providing Centrex-CU service. AT&T explained in the POR that some Centrex-CU offerings employ a 101 ESS switch located on the customer's premises and that this switch's operations are managed by a control unit located in the central office.[40] According to AT&T the switch is not severable from the central office control unit and can only function with a compatible control unit. AT&T therefore claims that the 101 ESS switch unit is an integral component of some Centrex-CU service provided by the BOCs.[41]

32. We recognize that confusion may occur if equipment which is located on a customer's premises remains tariffed since there is a presumption that such equipment should be unregulated.[42] We therefore ask parties to comment on whether 101 ESS switches associated with Centrex-CU service should continue to be offered by the BOCs on a tariffed basis and whether these switches can or will be offered competitively.

2. Network Channel Terminating Equipment

33. NCTE is equipment located on a customer's premises for the purpose of providing certain transmission or signaling enhancements, or both, and network maintenance capabilities. According to the POR, NCTE remaining with the BOCs at divestiture includes terminating sets, multiplexing equipment, subscriber pair gain equipment, repeaters, facility conditioning T carrier terminals, responders and associated cabinets, mountings, wall backboards and relay racks.[43]

34. We recently issued a Notice of Proposed Rulemaking in *Amendment of Section 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry)*, CC Docket No. 85–229, FCC 85–397, released Aug. 16, 1985, to address whether the BOCs should be permitted to offer NCTE on an unseparated basis. We had concluded earlier that digital NCTE is CPE for the purposes of the *Second Computer Inquiry*, and, absent a waiver, must be provided through an entity that is structurally separated from the BOC's operating company.[44] Our decision in the *Third Computer Inquiry* to seek comment regarding whether to continue to apply the structural separation requirements to the provision of NCTE was prompted, first, by the petitions we have received from Ameritech, Bell Atlantic, BellSouth, Northwestern Bell, and NYNEX requesting waivers of our Rules so that they could provide a limited amount of digital NCTE on a structurally unseparated basis[45] and, second, by the petitions we have received from Ameritech, BellSouth and Southwestern Bell seeking an unlimited and permanent waiver to provide on an unbundled, detariffed basis the NCTE associated with DS–1 digital transmission service and/or Dataphone digital service.[46] Therefore, we will postpone any decision regarding the detariffing of "embedded" NCTE until such time as we release an Order in the *Third Computer Inquiry*.[47]

IV. Initial Regulatory Flexibility Analysis

A. Reasons for Action; Objectives; Legal Basis

35. This Notice proposes procedures and criteria of general applicability designed to implement the policies established in the *Second Computer Inquiry* with respect to the embedded CPE base retained by the BOCs at divestiture. The primary objective of this proceeding is to adopt detariffing and transfer plans for embedded CPE which facilitate the establishment of a deregulated, competitive market for CPE, while at the same time to protect ratepayer interests, minimize user dislocations and reduce administrative costs. The legal authority for this proposed rulemaking is contained in

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[38] Letter from the Chief, Common Carrier Bureau, to William C. Sullivan, Southwestern Bell Telephone Company (Sept. 20, 1984).

[39] Southwestern Bell Telephone Company, Further Supplement to Petitions for Relief, File Nos. ENF 84–39, 84–42 (filed Oct. 16, 1984).

[40] *See* para. 20, *supra*.

[41] POR at 85.

[42] *See, e.g.*, International Business Systems, Inc., Petition for Declaratory Ruling that the Southern Bell Telephone and Telegraph Company Offer its Local Area Data Transport Service on an Unbundled and Detariffed Basis Pursuant to Section 64.702 of the Commission's Rules, FCC 85–292, at para. 11, released June 11, 1985.

[43] POR at 83–84.

[44] *See generally* Petitions Seeking Amendment of Part 68 of the Commission's Rules Concerning Connection of Telephone Equipment, Systems and Protective Apparatus to the Telephone Network and Notice of Inquiry into Standards for Inclusion of One and Two-Line Business and Residential Service in Part 68 of the Commission's Rules, 94 FCC 2d 5 (1983) (*NCTE Interconnection Order*), *recon. denied*, FCC 84–145, released Apr. 27, 1984 (*NCTE Interconnection Reconsideration Order*).

[45] *See* File Nos. ENF 84–32, 84–33, 84–34, 84–35, and 84–38. In July 1984, the Common Carrier Bureau granted these five carriers permission to provide and support on an unseparated basis the digital NCTE which had been placed into service during the transition period between November 18, 1983, and June 30, 1984. These waivers were granted on an interim basis pending the outcome of our detariffing decision in this proceeding. The Bell Atlantic Telephone Companies, Emergency Petition for Interim Waiver of Section 64.702 of the Commission's Rules and Regulations to Permit Interim Unseparated Provision of Existing Network Channel Terminating Equipment, Mimeo No. 5244, File No. ENF 84–32 (released July 6, 1984); Letter from Chief, Common Carrier Bureau, to Ronald L. Slyter, Northwestern Bell Telephone Company (July 6, 1984); Letter from Chief, Common Carrier Bureau, to John F. Beasley, BellSouth Corporation (July 6, 1984); Letter from Chief, Common Carrier Bureau, to Saul Fisher, NYNEX (July 13, 1984); Letter from Chief, Common Carrier Bureau, to Thomas J. Reiman, American Information Technologies Corporation (July 13, 1984).

[46] *See* File Nos. ENF 84–33, 84–38, and 84–60. On September 11, 1985, the Common Carrier Bureau issued a Memorandum Opinion and Order which granted Ameritech, BellSouth and Southwestern Bell interim permission to provide DS–1 and DDS NCTE on an unseparated, unbundled basis pending the outcome of the *Third Computer Inquiry*. Petitions for Waiver of Section 64.702 of the Commission's Rules and Regulations to Enable Certain Bell Operating Companies to Offer Digital NCTE Without Structural Separation, Mimeo No. 6893 (released Sept. 11, 1985).

[47] In light of our adoption of the Notice of Proposal Rulemaking in the *Third Computer Inquiry*, the Bureau's interim waivers pertaining to the NCTE placed into service between November 18, 1983, and June 30, 1984, shall remain in effect until such time as we reach a decision in that proceeding.

Sections 4(i), 4(j), and 201–205 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 201–205.

B. Applicability to Small Entities

36. The provisions of this proposed rulemaking would apply only to the BOCs. It is our view that none of these companies falls within the definition of "small business" as that term is used in the Regulatory Flexibility Act.

C. Other Considerations

37. We conclude that the proposed rules do not duplicate, overlap or conflict with any existing federal rules. It is our view that we are not required to examine significant alternatives to the proposed rules which would minimize significant economic impact upon small entities because we have concluded that the proposed rules will not apply to small entities.

V. Ex Parte Presentations

38. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts this Notice until the time a public notice is issued stating that substantial disposition of the matter is to be considered in a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever occurs earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding.

39. Any person who sumits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation, and that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

VI. Comment Filings; Ordering Clauses

40. We have presented proposals which we believe will enable the BOCs to complete the transition to full deregulation of the CPE market with respect to their embedded CPE. We seek comments discussing whether these proposals adequately meet the deregulatory goals of the *Second Computer Inquiry*. If interested persons believe that the proposals fail to address relevant concerns we ask that they suggest modifications to the detariffing and transfer plan which would address those concerns.

41. Accordingly, it is ordered that, pursuant to sections 1, 4(i), 4(j), and 201–205 of the Communications Act of 1934, 47 U.S.C. §§ 151, 154(i), 154(j), 201–205 and 5 U.S.C. § 553, notice is hereby given of the proposed adoption of new or modified rules, in accordance with the discussion and delineation of issues in this Notice of Proposed Rulemaking and on the basis of previous notices and filings in this proceeding.

42. It is further ordered that each of the Bell Operating Companies shall file within 30 days of the release of this Notice of Proposed Rulemaking a description of the types of equipment it retained at divestiture. This description shall contain the information described in paragraph 13, *supra*.

43. It is further ordered that the interim waivers the Common Carrier Bureau granted the Bell Atlantic Telephone Companies, American Information Technologies, Inc., Northwestern Bell Telephone Company, BellSouth Corporation, and NYNEX to provide and support on an unseparated basis the digital NCTE which had been placed into service during the transition period between November 18, 1983, and June 30, 1984, are extended until such time as an Order is released in the *Third Computer Inquiry*.

44. It is further ordered that all interested persons may file comments on the issues and proposals discussed in this Notice not later than December 20, 1985, and that replies may be filed not later than January 6, 1986. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, an original and five copies of all statements, briefs, comments or replies shall be filed with the Federal Communications Commission, Washington, D.C. 20554, and all such filings will be available for public inspection in the Docket Reference Room at the Commission's Washington, D.C., offices. In reaching its decision, the Commission may consider information and ideas not contained in filings, provided that such information is reduced to writing and placed in the public file, and provided that the fact of the Commission's reliance on any such information or ideas is noted in the Order.

45. It is further ordered that the Secretary shall cause this Notice of Proposed Rulemaking to be published in the **Federal Register.**

46. It is further ordered that the Secretary shall transmit a copy of this Notice of Proposed Rulemaking to the Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act.

47. It is further ordered that the Secretary shall cause a copy of this Notice of Proposed Rulemaking to be served on each state commission.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85–25686 Filed 10–28–85; 8:45am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 85–316; RM–4987]

FM Broadcast Station in Crossville, TN; Change in Table of Allotments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allotment of Channel 273A to Crossville, Tennessee, as that community's second FM service, at the request of WCSV, Inc.

DATES: Comments must be filed on or before December 16, 1985, and reply comments on or before December 31, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

The authority citation for Part 73 continues to read as follows:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of allotments, FM broadcast stations. (Crossville, Tennessee); MM Docket No. 85–316 RM–4987.

Adopted: October 15, 1985.
Released: October 23, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by WCSV, Inc. ("petitioner"), seeking the allocation of Channel 273A to Crossville, Tennessee, as that community's second FM channel. Petitioner submitted supporting information and indicated an interest in applying for the channel. The channel can be allotted consistent with the Commission's minimum distance separation requirements.

PART 73—[AMENDED]

2. In view of the fact that the proposed allotment could provide Crossville, Tennessee with a second FM service, the Commission proposes to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, for the following community:

City	Channel No.	
	Present	Proposed
Crossville, Tennessee	257A	257A, 273A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before December 16, 1985, and reply comments on or before December 31, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows:

Millard V. Oakley, WCSV, Inc., P.O. Box 520, Livingston, TN 38570

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85–25677 Filed 10–28–85; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 85–315; RM–5089]

FM Broadcast Station in Moultonborough, NH; Change in Table of Allotments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allocation of Channel 295A to Moultonborough, New Hampshire, as that community's first local FM service, at the request of SfB Corporation.

DATES: Comments must be filed on or before December 16, 1985, and reply comments on or before December 31, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read as follows:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Proposed Rule Making

In the matter of amendment of §73.202(b), table of allotments, FM broadcast stations. (Moultonborough, New Hampshire); MM Docket No. 85–315 RM–5089.

Adoped: October 15, 1985.
Released: October 23, 1985.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the petition for rule making filed by SfB Corporation ("petitioner") requesting the allocation of Channel 295A to Moultonborough, New Hampshire, as that community's first local FM service. Petitioner states that it will apply for the channel, if allocated.

2. Channel 295A can be allocated to Moultonborough in compliance with the Commission's minimum distance separation and other technical requirements. The concurrence of the Canadian Government must be obtained as the community is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

PART 73—[AMENDED]

3. We believe the public interest would be served by seeking comments on the requested allotment, as it could provide Moultonborough with its first local FM service. Accordingly, we propose to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, with respect to the community listed below to read as follows:

City	Channel No.	
	Present	Proposed
Moultonborough, New Hampshire		295A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing or continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before December 16, 1985, and reply comments on or before December 31, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows:

John L. Tierney, Esq., Barbara R. Feeherry, Esq., Tierney and Swift, 1925 K Street, N.W.—Suite 300, Washington, D.C. 20006, (Counsel to petitioner)

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11546, published February 9, 1981.*

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contacts is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Tables of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initital comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments

shall be accompanied by a certificate of service. (See §§ 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-25676 Filed 10-28-85; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 85-319; RM-5054]

FM Broadcast Station in Hondo, TX; Changes in Table of Allotment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the allotment of Channel 253A to Hondo, Texas, as that community's first FM service, at the request of DLB Broadcasting Corporation.

DATES: Comments must be filed on or before December 16, 1985, and reply comments on or before December 31, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rulemaking

In the Matter of
Amendment of § 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Hondo, Texas); MM Docket No. 85-319,
RM-5054.

Adopted: October 15, 1985.

Released: October 23, 1985.

By the Chief, Policy and Rules Divisions.

1. The Commission has before it for consideration a petition for rule making filed by DLB Broadcasting Corporation ("petitioner"), requesting the allotment of Channel 253A to Hondo, Texas, as that community's first FM channel. Petitioner submitted information in support of the proposal and expressed its interest in applying for the channel.

2. The channel can be allotted in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.4 kilometers (7.1 miles) south of the community. This restriction is necessary to avoid short spacing to FM Station KHLC on Channel 252A in Bandera, Texas. However, a site 11.4 km removed from the center of the city may prove difficult to provide a city-grade (70 dBu) signal to the principal community. The petitioner or other interested parties, therefore, should provide information that a site is available that will meet the minimum spacing requirements and provide a city-grade signal to the community.

3. Since Hondo is located within 320 kilometers (200 miles) of the U.S.-Mexican border, the proposal requires concurrence by the Mexican government.

4. In view of the fact that Hondo, Texas could receive its first FM channel the Commission believes it would be in the public interest to seek comments on the proposal to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Hondo, TX		253A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Notes.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before December 16, 1985, and reply comments on or before December 31, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: David G. Rozzelle, Esquire, Fletcher, Heald & Hildreth, 1225 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036, (Counsel for petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy, and Rules Division,

Mass Media Bureau.

Appendix

PART 73—[AMENDED]

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a

proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is alotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, replay comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M. Street, NW., Washington D.C.

[FR Doc. 85–25684 Filed 10–28–85; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 85–320; RM–4743]

FM Broadcast Station in Woodstock, VT; Change in Table of Allotments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein, at the request of Harvest Broadcasting Services, proposes the allocation of channel 230A to Woodstock, Vermont, as that community's first FM channel.

DATES: Comments must be filed on or before December 16, 1985, and reply comments on or before December 31, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 C.F.R. Part 73

Radio.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Woodstock, Vermont); MM Docket No. 85–320, RM–4743.

Adopted: October 15, 1985.
Released: October 23, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition for rule making filed by Harvest Broadcasting Services ("petitioner"), requesting the allotment of FM Channel 230A to Woodstock, Vermont, as that community's first FM channel. Petitioner expressed its intention to apply for the channel, if allotted.

2. A staff enginering study reveals that Channel 230A is available to Woodstock in compliance with § 73.207 of the Commission's Rules. Since Woodstock is located within 320 kilometers (200 miles) of the U.S.-Canadian border, the proposal requires concurrence from the Canadian government.

3. In view of the fact that the proposed allotment could provide a first FM channel to Woodstock, the Commission believes it is appropriate to propose amending the FM Table of Allotments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Woodstock, VT		230A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before December 16, 1985, and reply comments on or before December 31, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Brian Dodge, Harvest Broadcasting Services, Box 105FM, Hinsdale, NH 03451, (petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte*

presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

PART 73—[AMENDED]

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of §1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85–25685 Filed 10–28–85; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. 6; Notice 85–9B]

Standard Time Zone Boundaries in the State of Indiana; Withdrawal of Proposed Rule

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: DOT is withdrawing a proposal to move the five southwest counties of the State of Indiana from the central time zone to the eastern time zone. The proposal was issued in response to a Concurrent Resolution of the Legislature of the State of Indiana that found that it was in the best interests of the citizens of those counties for the time zone to be changed. The notice is being withdrawn because DOT finds that such a change would not serve the "convenience of commerce.".

DATE: Withdrawal effective October 29, 1985.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Regulation and Enforcement (C–50), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20950; (202) 472–5577.

SUPPLEMENTARY INFORMATION:

Background

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 and Public Law 97–449 (15 U.S.C. 260–64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for making such a decision is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce".

The Proposal

DOT received a resolution from the General Assembly of the State of Indiana (Senate Concurrent Resolution 6) on May 6, 1985, requesting that the 5 southwestern counties of Indiana that are currently in the central time zone (Gibson, Posey, Vanderburgh, Warrick, and Spencer counties) be moved to the eastern time zone. The resolution found that "the citizens of southwestern Indiana are inconvenienced in their businesses and personal lives by being in a time zone that is different than the rest of the state." If the proposal were implemented, all of the state (with the exception of six northwestern counties near chicago, Illinois) would be on eastern time.

In support of its request, the State Legislature documented how the change would meet the statutory criterion for a change. The accompanying background paper outlined a variety of problems caused because of the two time zones. The document indicated that there was significant support from local governments and chambers of commerce to place the area in one time zone. It noted the difficulties that businesses and manufacturers have in terms of schedule mix-ups, if headquarters are located in a different zone from area offices; the extra cost to operate in both zones; and the time, inconvenience and expense for employees traveling from one zone to another. It stated that, in terms of transportation, a fairly substantial proportion of the people in the area commute into other counties and have to contend with a split time zone. The

paper also discussed the impact on the media and on school-age children.

Because the background document made a prima facie case for a time zone change, the Department issued a notice of proposed rulemaking (NPRM) that proposed the change. The NPRM was published in the **Federal Register** on June 21, 1985 (50 FR 25856), and requested public comments by August 20, 1985. The NPRM specifically noted, however, that "[a]lthough the Indiana legislature has submitted sufficient information to begin the rulemaking process, the decision whether actually to make the change will be based upon the information received at the hearings or submitted in writing to the docket." The NPRM also noted that the Department reserved the right to grant more or less than what the Indiana legislature has requested, including moving only some of the counties as well as areas in Kentucky or Illinois.

The Department held 10 hearings during the week of July 22 to 26, 1985, in the affected area. The hearing sites were selected by Departmental representatives with the advice of Congressional and State offices from Indiana, Kentucky and Illinois. The sites were selected in order to be accessible to as many people as possible. The Department anticipated, for example, that, if a person could not attend a daytime hearing, that person could attend an evening hearing with less than one hour's drive. In addition, the Department urged people who could not attend a hearing, or who had more that they wished to say, to write to the docket. The Indiana hearings were held in Evansville, Lincoln City, Mount Vernon, Princeton, Jasper and Vincennes. Hearings were also held in Henderson and Owensboro, Kentucky and Carmi and Mount Carmel, Illinois.

The State of Indiana has presented complex time zone questions for many years. It is a State with strong economic ties both to the east and the midwest. The industries and citizens of the State have always shown a great deal of interest, perhaps more so than those of any other State, in the specific location of the time zone boundary line in the State between the eastern and central time zones.

From 1918 to 1961, all of Indiana was in the central time zone. In 1961, pursuant to several requests from the State, the Interstate Commerce Commission (ICC), which had authority over time zone changes at that time, drew the line north to south through the middle of the State. The line, however, was not generally observed. A number of the counties in the central time zone continued to follow eastern time. Furthermore, each summer brought a crazy-quilt pattern of daylight saving time observance. The Uniform Time Act of 1966, which required each state to observe "daylight saving" time throughout the state, or opt our entirely, gave added significance to the 1961 line set by the ICC. The fact that the line was not generally observed expanded the Indiana problem.

In 1967, Indiana Governor Roger Branigan petitioned DOT, which had taken over the time zone functions of the ICC, to return the entire state to central time. DOT issued an NPRM requesting comments on that proposal. Comments from the counties in the northwestern (Gary) part of the State and the southwestern (Evansville) part indicated a strong preference for central time with summer daylight saving time. The rest of the State expressed a preference for eastern time. However, many of those who preferred eastern time did not want to observe daylight saving time. Based on these comments, the Department issued a modified proposal on January 16, 1968, to include the entire State in the eastern zone for specifically named counties in the Gary and Evansville areas.

During these two proceedings, over 100,000 comments were filed. On January 10, 1969, the Secretary of Transportation issued a decision to place all of the State in the eastern zone except for 12 counties that specifically expressed a desire to be in the central zone. That change was effective on April 27, 1969. This decision was challenged in a lawsuit brought by a group of Indiana outdoor theater operators. DOT's decision was affirmed by the U.S. Court of Appeals, and review denied by the U.S. Supreme Court.

In 1977, Pike County, one of the southwestern counties, petitioned the Department to change the time zone of the county from central to eastern. The Department issued an NPRM proposing the change and held a hearing and received public comments. Because the change met the statutory criterion of "serving the convenience of commerce" and because of strong local support, DOT issued a final rule and made the change.

In 1981, the Board of County Commissioners of Starke County, which is located in northwestern Indiana, asked to be changed from central to eastern time. The Department again issued an NPRM proposing the change, held a hearing and received numerous public comments. However, based on its review of the public comments, the Department withdrew the proposal because it determined that the area was economically tied to Chicago, which is on central time. In addition, the Department found that a change would severely disrupt commerce, transportation and broadcasting in the area.

Daylight Saving Time in Indiana

Indiana is the most unusual state in the United States in terms of its observance of Daylight Saving Time. Under the Uniform Time Act, if a state chooses to observe Daylight Saving Time, it must do so statewide and begin on the last Sunday in April and end on the last Sunday in October. However, the Act provides that in states that encompass more than one time zone, the state may choose to exempt only the more easterly zone from Daylight Saving Time, while the western part of the state observes it. This provision was enacted mainly in response to Indiana's wishes. Of the thirteen states that encompass two time zones, only Indiana has chosen this alternative.

As a result of this split observance, the eastern and central time zone portions of Indiana are one hour apart during the fall and winter. However, from the last Sunday in April to the last Sunday in October, the time on the clocks in the entire state is the same, although the two areas are still in nominally different time zones. During the spring and summer, the majority of the state continues to observe eastern standard time, while the 11 counties on central time observe central daylight saving time.

The areas in western Kentucky and southern Illinois surrounding the five southwestern Indiana counties are also in the central time zone and observe Daylight Saving Time. For the purposes of this rulemaking, the Department considered what effect the proposed time zone change would have on the tri-state area, since it would put the neighboring areas in western Kentucky and southern Illinois on a different time than Evansville and the surrounding counties for six months of the year.

Factors in Making the Decision

The principal standard for deciding whether to change a time zone is the convenience of commerce, which is defined very broadly to include consideration of all the impacts upon a community of a change in its standard time zone. Although the Department focused on what impact a time change would have on the State of Indiana, it also considered the impact on the neighboring areas in western Kentucky and southern Illinois because of the

important economic, cultural and social unity of the area.

The procedure for making a final decision is that, after analyzing all of the comments, the General Counsel of the Department decides whether the change would in fact serve the convenience of commerce. If he believes that it would not, he ends the proceeding and leaves the time zone unchanged. If he believes that it would, he forwards his recommendation to the Secretary of Transportation, who alone has authority to change a time zone.

Comments on the Proposal

Commenters included state and local elected officials, chambers of commerce, businesses, civic groups, news media, school corporations, religious groups and individuals in their personal capacities.

Close to 1,000 people attended the public hearings. The DOT representative received testimony from approximately 200 people. In addition, she took informal questions and comments from the floor. Of the people who testified, approximately 30 percent were for the proposal, 65 percent were opposed and 5 percent were neutral or asked for a change outside of the scope of the rulemaking.

Over 4,000 people expressed their opinions in written comments to the docket. The comments were contained in individual and group letters, postcards, and petitions. In addition, newspapers forwarded ballots they collected in polls they conducted. The 4,000 figure is the number of people signing the comments and petitions. The written comments were opposed to a change by a margin of over 3 to 1.

The central argument of those favoring the proposal was that it is important for state unity and development of the state's economy to be on one time. Many of those in favor of a change were more concerned with being on the same time as the majority of the state, be it eastern or central time, than they were with being on eastern time. They found it extremely confusing and inconvenient to be on a different time from the other cities and counties in the state six months of the year. A number of business representatives stated that most of their dealings were with the East and that being on a different time zone handicapped economic expansion of the area. Other business representatives noted the interstate confusion and that the time difference limited the hours available for business communications, deliveries and shopping. Many individuals commented on the personal hardships involved in working, socializing, and living across the time zone. For example, living in two time zones made it difficult to schedule meetings and doctors' appointments, complicated interscholastic events, confused children and in general made life very difficult.

Those opposed to the proposal noted that, according to the theoretical time divisions of the earth, the area is appropriately on central time. Many of these commenters argued that although they were in favor of one time zone for the state, the zone should be central and the rest of the state should change. Other commenters noted that the area historically has been on central time, that people have adjusted to it and like it that way. Others argued that the southwestern portion of Indiana is midwestern in outlook and in its dealings, and that changing to eastern time would be inappropriate and personally repugnant.

A majority of the comments opposed to the proposal focused on the personal impact a change would have. The most common argument had to do with school-age children waiting for buses in the dark in the morning. Many parents and grandparents expressed great concern over this issue. A corollary of this argument was that, because southern Indiana has a great deal of fog and ice particularly in the early morning, a change would expose children (and bus drivers and parents who drive them) to increased danger. Another area of great concern was the potential change in scheduling of the late night news from 10 p.m. to 11 p.m. Many people commented that they enjoyed the present scheduling of television shows and were strongly opposed to any change.

Most of the business and governmental comments focused on the need for unity in the tri-state area. They noted that many people live in one state and work in the other. In addition, there is a lot of interstate movement for schooling, medical treatment, entertainment and shopping. Many commenters were concerned that a change, particularly only in Indiana, would fragment the area and significantly interfere with the commercial and social relationships that have been established over time.

In terms of the hearings held in Kentucky and Illinois and the comments received from individuals and groups in those states, there was virtually no support for the proposal. The comments from those states stressed the need for a uniform time zone in the tri-state area. The issue was of such importance to some commenters that they suggested that the time zones of their cities be kept the same as Evansville even if this meant going to eastern time.

Another important argument made by the commenters was that the time zone border should be located in less populated areas so as to cause inconvenience to the fewest number of people. The people making this argument noted that although they sympathize with the difficulty of "living on the line", the problem should not be moved south, where it would affect more people and interfere with interstate commerce. These commenters noted that the current border areas have had years to adjust and that the present system works pretty well.

A significant number of comments were submitted that were outside the scope of the rulemaking. For example, a number of commenters argued that the entire state should be put on central time for convenience or since that is more appropriate because of geographic location. Several suggested adding five or six more counties (Knox, Daviss, Martin, Pike, Dubois and Perry) to the central zone. Others had comments on whether Daylight Saving Time is a good idea. Another commenter suggested eliminating time zones altogether and putting the entire U.S. onto central standard time in order to eliminate confusion. Since the state has not asked for these changes and they were not proposed in the NPRM, we have not considered taking such action.

Reasons for This Decision

The proposal to change the five southwestern counties is being withdrawn because such a change would not serve the convenience of commerce. The comments and information presented at the hearing and to the docket, as well as the Department's analysis, has demonstrated the economic, social and cultural unity of the tri-state area. Changing the time zone of the five counties would fragment the area and be detrimental to its economic prosperity and development. In addition, without adequate public support in this situation, a time zone change may be difficult to enforce and have even more detrimental effects on commerce.

In making its determination, the Department found the following:

1. Many of the businesses in the community (the five counties) get their supplies and ship their goods and products within the tri-state area.

2. Most of the people in the five counties receive their television and radio broadcasts from within the tri-state area and not from the eastern time zone.

3. The most widely circulated newspapers in the community are published in the five counties and the tri-state area.

4. The five counties and the tri-state area depend on Dress Regional airport in Evansville as the primary regional airport.

5. The highway situation in southwest Indiana makes the area somewhat isolated from the rest of the state. Interstate 64 divides the areas in half, but it flows east to west. U.S. Highway 41, is located to the extreme west. There is no direct highway access to Indianapolis.

6. A significant precentage of residents of the five counties work and do business across the state border in Kentucky and Illinois.

7. Many of the residents who leave the five counties for schooling, recreation, health care, or religious worship, go to areas in the central time zone for these purposes.

Based on our analysis, the Department has concluded that the five southwestern counties are more closely intertwined with the surrounding communities in western Kentucky and southeastern Illinois, which are on central time, than with the remainder of Indiana. To change the five counties to eastern time would not serve the "convenience of commerce", and it would have an adverse effect on the communities commerce.

The Department would also like to note that, to a large degree, the support for or opposition to the proposal appeared to depend on where the commenters lived and worked. In general, those near the present time zone boundary were in favor of the proposal. The majority of commenters from the Evansville area and from communities on or near the state borders were satisfied with the current line. The Department recognizes that it is very difficult to live near a time zone border because one continually has to make allowances for time differences. In a very real sense, being near the border affects how many hours per day one can conduct business, the activities one can participate in and how one runs his or her life. The Department can never remove these difficulties, only reduce them by deciding where to locate the country's time zone boundaries.

Regulatory Impact

I certify that, under the criteria of the Regulatory Flexibility Act, this rule will not have a significant economic impact on a substantial number of small entities, because of its highly localized impact. Further, it is not a major rule under Executive Order 12291, or a significant rule under DOT Regulatory Policies and Procedures, 44 FR 11034, for the same reason. The economic impact is so minimal that it does not warrant preparation of a regulatory evaluation. Finally, DOT has determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, that an environmental impact statement is not required.

List of Subjects in 49 CFR Part 71

Time.

In consideration of the foregoing, the Department of Transportation withdraws its proposal to move the five southwestern counties of Indiana from the central to the eastern time zone.

Authority: Act of March 19, 1918, as amended by the Uniform Time Act of 1966 and Pub. L. 97–449, 15 USC 260–64; 49 CFR 1.59(a).

Issued in Washington, DC, on October 24, 1985.

Jim J. Marquez,

General Counsel.

[FR Doc. 85–25740 Filed 10–24–85; 3:13 pm]

BILLING CODE 4910–62–M

Notices

Federal Register
Vol. 50, No. 209
Tuesday, October 29, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AFRICAN DEVELOPMENT FOUNDATION

Advisory Council Meeting

Time: 10:00 a.m. to 3:00 p.m.
Place: Park Terrace Hotel, 1515 R.I. Ave., NW., Washington
Date: November 15, 1985
Status: Open

Agenda

10:00 to 10:30—Welcome by the Chairman of the Board
10:30 to 12:30—Task Force Committees to meet
12:00 to 1:30—Lunch
1:30 to 3:00—General Meeting

Contact person for more information: Mrs. Marjorie S. Cook, (634–9853).

Leonard H. Robinson, Jr.,
President

[FR Doc. 85–25706 Filed 10–28–85; 8:45 am]
BILLING CODE 6116-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Routt National Forest Grazing Advisory Board; Meeting

The Routt National Forest Grazing Advisory Board will meet November 26, 1985 at 10:00 a.m. at the Yampa Valley Electric Association building, Steamboat Springs, Colorado.

The Agenda for the meeting will include: (1) Review range improvement needs on selected areas; (2) a discussion of the projects planned for FY 1986 utilizing range betterment funds; (3) discuss and receive advice and recommendations for the utilization of range betterment funds and development of allotment management plans for FY's 1987 and 1988.

The meeting will be open to the public. Persons who wish to attend and participate should notify Jim Webb, Routt National Forest (303–879–1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Dated: October 21, 1985.

Jack Weissling,
Forest Supervisor.

[FR Doc. 85–25527 Filed 10–28–85; 8:45 am]
BILLING CODE 3412-11-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), we are giving notice that the Census Advisory Committee on Agriculture Statistics will convene on November 19, 1985, at 9 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee advises the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; prepares recommendations regarding the contents of agricultural reports; and presents the views and needs for data of major agricultural organizations and their members, and other suppliers of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4 p.m. is: (1) Introductory remarks by the Director, Bureau of the Census; (2) review of the Census Bureau's 1982 Census of Agriculture experience, and update on the Bureau's Agriculture programs; (3) 1987 Census of Agriculture content; (4) 1987 Census of Agriculture public awareness program; (5) 1987 Census of Agriculture publications program; (6) comparability of Census and United States Department of Agriculture data; (7) election of chairperson-elect; and (8) Committee recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days before the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. George Pierce, Agriculture Division, Bureau of the Census, Room 3009, Federal Building 4, Suitland, Maryland. (Mail address: Washington, DC 20233). Telephone (301) 763–7731.

Dated: October 24, 1985.

John G. Keane,
Director, Bureau of the Census.

[FR Doc. 85–25756 Filed 10–28–85; 8:45 am]
BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Order No. 315]

Approval of the Reorganization of Foreign-Trade Zone No. 41, Milwaukee, WI

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Foreign Trade Zone of Wisconsin, Ltd., Grantee of Foreign-Trade Zone No. 41, has applied to the Board for authority to reorganize its general-purpose zone to relocate zone warehousing operations, to add two sites near General Mitchell Field in Cudahy and in Milwaukee, and to add an industrial site in West Allis, Wisconsin, within the Milwaukee Customs port of entry;

Whereas, the application was accepted for filing on April 27, 1984, with notice inviting public comment given in the **Federal Register** on May 3, 1984 (Docket No. 16–84, 49 FR 18881), and an amendment to the application was filed on January 4, 1985 (50 FR 1098, 1/9/85);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the reorganization is necessary to improve and expand zone services in the Milwaukee area; and,

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the Grantee is authorized to reorganize its zone in accordance with the application filed April 27, 1984, as amended. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C., this 18th day of October 1985.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85–25770 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[C–792–010]

Galvanized Steel Wire Strand From South Africa; Final Results of Changed Circumstances; Administrative Review and Termination of Suspended Countervailing Duty Investigation

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances; Administrative Review and Termination of Suspended Countervailing Duty Investigation.

SUMMARY: On August 15, 1985, the Department of Commerce published the preliminary results of its administrative review of the suspended countervailing duty investigation on galvanized steel wire strand from South Africa and announced its tentative determination to terminate the suspended investigation. The review covers the period from October 1, 1983.

We gave interested parties an opportunity to comment. We received no comments. We therefore determine that domestic interested parties are no longer interested in continuation of the suspended investigation, and we are terminating the suspended investigation. In accordance with the petitioners' notifications, the termination will apply to all galvanized steel wire strand entered, or withdrawn from warehouse, for consumption on or after October 1, 1983.

EFFECTIVE DATE: October 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sylvia Chadwick or Philip Otterness, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 15, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 32880) the preliminary results of its changed circumstances administrative review of the suspended countervailing duty investigation on galvanized steel wire strand from South Africa (48 FR 19451; April 29, 1983). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of South African galvanized steel wire strand. Such merchandise is currently classifiable under items 642.1142 and 642.1144 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1983.

Final Results of the Review and Termination

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to terminate. We received no comments.

As a result of our review, we determine that the domestic interested parties are no longer interested in continuation of the suspended countervailing duty investigation on galvanized steel wire strand from South Africa and that the investigation should be terminated on this basis. Therefore, we are terminating the suspended investigation on galvanized steel wire strand from South Africa effective October 1, 1983.

This administrative review, and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. d1675(b), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41 355.42).

Dated: October 23, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 85–25767 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DS–M

Certain Fasteners From Japan; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As the result of a request by the Government of Japan, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on certain fasteners from Japan would not cause, or threaten to cause, material injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise on or after November 17, 1982, will be liquidated without regard to countervailing duties.

EFFECTIVE DATE: October 29, 1985.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Richard W. Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1977, the Department of the Treasury published in the **Federal Register** a countervailing duty order on certain fasteners from Japan (42 FR 23147). On June 4, 1979, Treasury amended the order (44 FR 31972).

On November 17, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Government of Japan had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification from the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA since previous suspensions remained in effect.

On August 1, 1985, the ITC notified the Department of its determination (50 FR 32778 August 14, 1985) that an industry in the United States would not be materially injured, or threatened with

material injury, nor would the establishment of such an industry be materially retarded, by reason of imports of certain fasteners from Japan if the order was revoked.

As a result, the Department is revoking the countervailing duty order concerning certain fasteners from Japan with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after November 17, 1982, the date the ITC notified the Department of the request for an injury determination.

The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after November 17, 1982, without regard to countervailing duties, and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: October 23, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 85-25766 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-582-501]

Photo Albums and Filler Pages From Hong Kong; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that photo albums and filler pages from Hong Kong are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to continue to suspend the liquidation of all entries of photo albums and filler pages from Hong Kong that are entered, or withdrawn from warehouse, for consumption, on or after July 16, 1985 and to require a cash deposit or bond for each entry in an amount equal to 3.69 percent *ad valorem,* as described in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATA: October 29, 1985.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Ken Stanhagen, Office of Investigations, Import Administration, International Trade Administration. U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-1776 or (202) 377-1777.

Final Determination

We have determined that photo albums and filler pages from Hong Kong are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673(a)) (the Act). The average margins are listed in the "Suspension of Liquidation" section of this notice. We also found that critical circumstances do not exist with respect to imports of photo albums and filler pages from Hong Kong.

Case History

On January 30, 1985, we received a petition filed in proper form from Esselte Pendaflex, Inc., the Holson Company, Kleer-Vu Plastics Corporation, and SPM Manufacturing Corporation, on behalf of the U.S. industry producing photo albums and filler pages. In compiliance with the filing requirements of §353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Hong Kong are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673), and that these imports materially injure, or threaten material injury to, a U.S. industry.

After reveiwing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated the investigation on February 19, 1985 (50 FR 7625), and notified the ITC of our action.

On March 18, 1985, the ITC found that there is a reasonable indication that imports of photo albums and filler pages from Hong Kong materially injure, or threaten material injury to, a U.S. industry (U.S.I.T.C. Pub. No. 1660, March 1985).

We investigated one producer, Climax Paper Converters, Ltd. This company accounts for approximately 85 percent of all exports of photo albums and filler pages from Hong Kong to the United States. On March 5, 1985, we presented an antidumpting duty questionaire to Climax. The response was received on April 18, 1985. On May 14, 1985, we received the petitioner's allegation that sales to third countries are at prices below the cost of production. On May 16, 1985, we presented a cost of production questionnaire to Climas and the response was received on June 6, 1985.

On July 16, 1985, we published a preliminary determination of sales at less than fair value with respect to this merchandise (50 FR 28829). The notice stated that if the investigation proceeded normally, we would make our final determination by September 23, 1985.

On August 13, 1985, counsel for the respondent requested a postponement of the final determination. We granted this request and postponed the due date for the final determination until not later than October 23, 1985 (50 FR. 36911). In accordance with section 774(a) of the Act, a public hearing was held on September 26, 1985.

Scope of Investigation

The merchandise under investigation is photo ablums and photo album filler pages. Photo albums are currently provided for in item 256.60 of the Tariff Schedules of the United States (TSUS). Photo album filler pages are currently provided for in item 256.87, 256.90 and 774.55 of the TSUS. We investigated all sales by Climax for the period July 1, 1984 through February 28, 1985.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for certain sales by Climax because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We used the exporter's sales price for other sales by Climax to represent the United States price because the merchandise was sold to unrelated purchasers after importation into the United States.

We calculated the purchase price based on the FOB, CIF, or CIF delivered packed price to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, loading, ocean freight, marine insurance, brokerage and U.S. inland freight. We calculated exporter's sales price based on the price to the unrelated purchaser in the United States. We made additional deductions for U.S. brokerage, U.S. inland freight, commission, credit expenses, and other selling expenses incurred in the United States.

Foreign Market Value

In accordance with section 773(a) of the Act, we have determined that Climax had no sales of photo albums and filler pages in the home market during the period of investigation. Climax did have sales to third countries during the period of investigation. However, the petitioners alleged that sales to third countries were at prices below the cost of producing the merchandise. We examined production costs which included all appropriate costs for materials, fabrication and general expenses. We found sufficient sales in some third countries above the cost of production to allow us to use third country prices in accordance with section 773(a)(1)(B) of the Act to determine foreign market value. We used constructed value as our basis of comparison where there were insufficient sales of such or similar merchandise in third country markets, or where there were insufficient sales above the cost of production. In selecting third countries for comparison purposes, we used sales to France and the Republic of South Africa since merchandise sold to these countries was most similar to that sold in the United States or because quantities sold to these countries were most comparable to quantities sold in the United States.

We calculated the prices to third countries for each product on the basis of FOB or CIF prices to unrelated purchasers. From these prices, we deducted, where appropriate, foreign inland freight, foreign handling charges, ocean freight, and marine insurance. We made adjustments, where appropriate, for differences in the physical characteristics of the merchandise, pursuant to § 353.16 of our regulations, and for differences in circumstances of sale related to commissions and credit expenses pursuant to section 353.15 of our regulations. In addition, when comparing exporter's sales price to the third country price, we deducted indirect selling expenses from the third country price but limited the deductions to the amount of the U.S. indirect selling expenses. We made adjustments, where appropriate, for differences in packing costs.

We calculated the cost of production for third country sales by totaling the costs of materials, fabrication, general expenses, and packing. We calculated constructed value by totaling the costs of materials, fabrication used in producing the merchandise sold to the United States, general expenses, profit, and the cost of the packing. Because the amount for general expenses was more than the statutory minimum of ten percent of the cost of materials and fabrication, we used the actual expenses. We calculated profit on the basis of the statutory minimum of 8 percent of the sum of materials, fabrication costs, and general expenses because the company had no home market sales of merchandise of the same class or kind and the overall profit that was related to sales to countries other than the U.S. was below the statutory minimum. We added the cost of U.S. packing. In addition, when comparing the exporter's sales price to the constructed value, we adjusted constructed value by an amount to offset the commissions paid on exporter's sales price sales. We also made adjustments for differences in credit expenses and other selling expenses.

In our calculations of costs of production and constructed value, we have used the information submitted by respondent as revised in the verification process. While problems in the response were found at verification, the nature, magnitude and number of these problems were not sufficient to invalidate or discredit the response itself. Most of the changes made to product cost calculations pursuant to the verification are issues of accounting treatment or valuation, such as the allocation of the annual bonus over a twelve month period, the reduction in depreciation rates related to the U.K.-Chinese Agreement on Hong Kong, and the proper treatment of accounts including exchange rate gains, bad debts expense, sales of scrap, and sales of miscellaneous products. The limited methodological and mathematical errors are not distinguishable from those normally uncovered during a verification.

In calculating foreign market value, we made currency conversions from Hong Kong dollars to United States dollars in accordance with § 353.56(a) of the regulations, using the certified daily exchange rates for comparisons involving purchase price. For comparisons involving exporter's sales price, we used the official exchange rate as certified by the Federal Reserve for the date of purchase since the use of that exchange rate is consistent with section 615 of the Tariff and Trade Act of 1984 (1984 Act). Therefore, for exporter's sales price sales we chose not to follow § 353.56(a) of the regulations which predates the 1984 Act.

Final Negative Determination of Critical Circumstances

The petitioners alleged that imports of photo albums and filler pages from Hong Kong present "critical circumstances." Under section 735(a)(3) of the Act, critical circumstances exist if we determine (1) there is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the subject of the investigation or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and (2) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short period.

In determining whether there is a history of dumping photo albums and filler pages from Hong Kong in the United States or elsewhere, we reviewed past antidumping findings of the Department of the Treasury as well as past Department of Commerce antidumping orders. We also reviewed the antidumping actions of other countries. On March 26, 1985, in the finding of the Antidumping Tribunal in Review No. R–3–84, Canada imposed antidumping duties on photo albums and filler pages from Hong Kong. This constitutes a history of dumping for this product. Since there is a history of dumping in the United States or elsewhere, we do not need to consider whether there is reason to believe or suspect that importers of this product knew or should have known that it was being sold at less than fair value.

We generally consider the following concerning massive imports: (1) Recent trends in import penetration levels; (2) whether imports have surged recently; (3) whether recent imports are significantly above the average calculated over the last three years; and (4) whether the pattern of imports over that three year period may be explained by seasonal swings.

In considering this question, we analyzed recent trade statistics on import levels, import penetration ratios for photo albums and filler pages from Hong Kong for equal periods immediately preceding and following the filing of the petition, and seasonal factors. Based on our analysis of recent trade data, we find that imports of photo albums and filler pages from Hong Kong during the period subsequent to receipt of the petition have not been massive when compared to recent import levels and import penetration ratios. Therefore, we determine that critical circumstances do not exist with respect to imports of photo albums and filler pages from Hong Kong.

Verification

As provided in section 776(a) of the Act, we verified the information provided by the respondent by using standard verification procedures, including examination of relevant sales and accounting records of the company.

Petitioners' Comments

Comment #1: Petitioners argue that the highest cost specification of a raw material capable of being utilized in a given album should be used as a basis for the cost of the material. Petitioners maintain that respondent's methodology used to develop raw material costs relies on a weighted-average cost for multiple specifications of a material with different widths or thicknesses, because the specific materials used in each model were not identifiable from factory records.

DOC Position: The use by respondent of a weighted-average cost of raw materials with multiple specifications constitutes a conservative methodology in accordance with Department policy. In the instances examined at the verification, designation by respondent of material used in each album was found to be reasonable.

Comment #2: Petitioners argue that use of weighted-average costs for materials with multiple specifications of different thicknesses or widths requires some accommodation or adjustment for differences in waste rates.

DOC Position: We verified that, in the preparation of the submission, the weighted-average material costs were calculated inclusive of waste using the actual waste rate for each specification of material.

Comment #3: All acquisition costs for raw material purchases should be included in the product cost calculations.

DOC Position: We agree, and have adjusted the figures for raw material costs in order to ensure that they accurately reflect all acquisition costs.

Comment #4: Petitioners argue that the minimal waste rates used in the response for certain stages of production are understated, based on their experience in the U.S. industry.

DOC Position: Although factory input/output records were not available to support the waste rates used by respondents for these stages of production, respondent's contention that these waste rates are minimal was found to be reasonable based on the inspection of these processes during the verification process. In addition, both total waste rates and the waste rates for several major operations were found to comport with informaton supplied to the Department by petitioners.

Comment #5: Petitioners argue that outside processing charges paid by Climax for fabrication of specific components must be included in the cost of these materials and should not be classified as labor costs.

DOC Position: It is the normal business practice of Climax to classify outside processing charges as a direct labor expense. These expenses are not significant and this practice does not distort the product cost calculations of Climax. Thus, we have accepted this classification.

Comment #6: Petitioners argue that revenues from the sale of scrap should not be allowed as a credit to general, selling and administrative expenses or as an adjustment to cost of production because the specific amount of scrap generated by specific albums or the actual amount received for the scrap was apparently not verified.

DOC Response: The amount of such revenues was verified by inspection of the books and records of Climax. Climax does not maintain, and did not develop for this investigation, records of the specific amount of scrap generated by specific albums. Due to the small size of these revenues and the homogenous nature of the products manufactured by Climax in terms of general production processes and major raw material components, allocation of these revenues was judged by the Department to be acceptable. (See Petitioner's Comment #4 for discussion of waste rates.)

Comment #7: Petitioners argue that the use of shipment quantities as a surrogate for production quantities in the calculation of direct labor cost and factory overhead cost for specific albums is inappropriate because there may be substantial variations between shipments and production.

DOC Position: As stated in the verification report, the variation between shipments and production during the period for which costs were calculated resulted in a slight overstatement of direct labor and factory overhead costs per unit. No correction of this overstatement was made.

Comment #8: Petitioners claim that is not clear whether transportation and meal costs are included in labor cost.

DOC Position: Canteen expenses, meal allowances and drivers' wages are included in labor cost.

Comment #9: Petitioners argue that calculation of general, selling and administrative expenses only for the months covered by the investigation fails to account for expenses incurred outside the period of investigation which benefit sales and production during the period of investigation.

DOC Position: General, selling and administrative expenses were examined for such expenses. Where significant expenses such as annual insurance premiums existed outside the period of investigation, an adjustment was made to amortize these expenses over the full year.

Comment #10: Petitioners argue that exchange rate gains should be considered only if they are related to the production and sale of the merchandise and that they are properly reflected either as adjustments to sales price, if related to a sale, or to raw materials cost, if related to a purchase.

DOC Position: We agree that exchange rate gains unrelated to the production and sale of merchandise are not properly considered credits to the cost of production. Furthermore, an exchange rate gain related to a specific sale is not viewed by the Department as an appropriate adjustment to sales price. Rather, these exchange rate gains and losses are considered to be related to the general operations of the company.

Comment #11: The petitioners contend that the selling expenses of Climax, N.Y. should be rejected as unverified.

DOC Position: All the indirect selling expenses incurred in the U.S. were satisfactorily verified as reported except depreciation, salaries, and employees' benefits. Consequently, the Department used as best information available the most adverse data contained in the response in making deductions for these categories.

Comment #12: The petitioners argued that all U.S. selling expenses should be applied to the exporter's sales price sales in the U.S. In the absence of the application of all U.S. selling expenses to these sales, petitioners claim that all sales by Climax should be treated as exporter's sale price sales since the definition of exporter's sales price encompasses sales made before or after importation.

DOC Position: We disagree. Where a U.S. selling arm of an exporter performs selling functions relative to different merchandise or on sales of the merchandise under investigation which is subject to different bases for determining United States price, we allocate the expenses over all sales. For expenses which could only be incurred on particular sales, those expenses are allocated fully to those sales. For expenses incurred relative to all sales, those expenses are allocated across all

sales in the relevant period and the appropriate expenses are deducted in the calculation of exporter's sales price.

Where merchandise is sold prior to its importation, we determine United States price under the provisions for purchase price since the provisions specifically covers such sales. We apply exporter's sales price when the sales to the unrelated U.S. purchaser are made after importation. We interpret the phrase "before or after importation" as providing one statutory basis for calculating United States price in instances where an individual sale is filled in part by merchandise which had not been imported at the time of sale.

Based on the foregoing, we have determined which sales fall within each basis for calculating United States price and have treated selling expenses within the adjustments established for each as described in the United States price section of this notice.

Comment #13: The petitioners comment that critical circumstances do exist, and that our preliminary determination was based on flawed data.

DOC Position: We adhere to our preliminary determination that critical circumstances do not exist. We used reliable trade statistics for the periods before and after the filing of the petition in arriving at our final negative determination.

Comment #14: The petitioners contend that third country sales of certain products are insignificant or below cost of production and consequently, constructed value should be used in determining the foreign market value.

DOC Position: We agree. Where we found that sales of certain models to third countries were insignificant or where sold below cost, we disregarded those sales and used constructed value as the basis of foreign market value. Where we used sales to France and the Republic of South Africa, we found that these sales were sufficient and were sold above the cost of production.

Comment #15: Counsel for the petitioners assert that the Department should reject the respondent's submissions as inadequate and, therefore, should use the best information available based on data furnished by petitioners.

DOC Position: We disagree. Based on our verification of the submitted response by Climax, we are satisfied that the information provided is adequate for purposes of making fair value comparisons. (See "Foreign Market Section" of this notice)

Comment #16: The petitioners contend that the Department should obtain information on Climax's profit experiences of the past 8 years for calculating profit instead of using the statutory minimum profit in the constructed value.

DOC Position: The Department compared the profit level of Climax in fiscal 1985 to the statutory minimum of 8 percent. Since the actual level was lower than 8 percent, the statutory minimum profit of 8 percent was used in calculating constructed value. Petitioners' request that the Department obtain financial statements for earlier years was received too late in the investigation to allow the gathering of additional information. The Department will consider this issue in a 751 review, if one is conducted.

Respondent's Comment: Respondent contends that there should be separate margin rates for 20 page, special bound photo albums and for all other photo albums.

DOC Position: All of the albums sold during the period constitute a single class or kind of merchandise. No compelling information has been presented on which to base such a product specific rate. Therefore, we have applied the weighted-averaged margin found relative to the class or kind to all sales by Climax.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to continue to suspend liquidation of all entries of photo albums and filler pages from Hong Kong that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amounts by which the foreign market value of the merchandise subject to this investigation exceeds the United States prices as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin (percentage)
Climax	3.69
All others	3.69

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injury, or threaten material injury to, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping duty order, directing Customs officers to assess antidumping duties on the subject products entered, or withdrawn from warehouse, for consumption on or after the date of suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the U.S. prices.

This notice is published pursuant to section 735(d) of the Act.

William T. Archey,

Acting Assistant Secretary for Trade Administration.

October 23, 1985.

[FR Doc. 85–25763 Filed 10–28–85; 8:45 am]

BILLING CODE 3510-DS-M

[A–580–501]

Photo Albums and Filler Pages From Korea; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that photo albums and filler pages from Korea are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to continue to suspend the liquidation of all entries of photo albums and filler pages from Korea that are entered, or withdrawn from warehouse, for consumption, on or after the date ninety days before July 16, 1985 and to require a cash deposit or bond for each entry in an amount equal to 64.81 percent *ad valorem,* as described in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: October 29, 1985.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Ken Stanhagen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–1776 or (202) 377–1777.

Final Determination

We have determined that photo albums and filler pages from Korea are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act). The average margin is 64.81 percent *ad valorem*. We have also found that critical circumstances exist with respect to imports of photo albums and filler pages from Korea.

Case History

On January 30, 1985, we received a petition filed in proper form from Esselte Pendaflex, Inc., the Holson Company, Kleer-Vu Plastics Corporation, and SPM Manufacturing Corporation, on behalf of the U.S. industry producing photo albums and filler pages. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Korea are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated the investigation on February 19, 1985 (50 FR 7625), and notified the ITC of our action.

On March 13, 1985, we presented antidumping duty questionnaires to counsel for: Chinsung Industry Co., Ltd. (Chinsung), Donam Industrial Co., Ltd. (Donam), Dong In Industrial Co. Ltd. (Dong In), Dong Won Industrial Co. (Dong Won), Eunjin Industrial Co., Ltd. (Eunjin) and Keywon, Inc. (Keywon). These six companies account for 64 percent of all exports of photo albums and filler pages from Korea to the United States.

On March 18, 1985, the ITC found that there is a reasonable indication that imports of photo albums and filler pages from Korea materially injure, or threaten material injury to, a U.S. industry (U.S.I.T.C. Pub. No. 1660, March 1985).

On May 22, 1985, we received the petitioners' allegation that sales to third countries are at prices below the cost of production, and on May 30, 1985, we presented cost of production questionnaires to the respondents. Responses to these questionnaires were received on June 25, 1985.

On July 16, 1985, we published a preliminary determination of sales at less than fair value (50 FR 28829). The notice stated that if the investigation proceeded normally, we would make our final determination by September 23, 1985.

On July 26, 1985, we received a request from the respondents that we postpone our final determination for 60 days. We granted a postponement until not later than October 23, 1985 (50 FR. 37018).

Scope of Investigation

The merchandise under investigation is photo albums and photo album filler pages. Photo albums are currently provided for in item 256.60 of the Tariff Schedules of the United States (TSUS). Photo album filler pages are currently provided for in items 256.87, 256.90 and 774.55 of the TSUS.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price based on the best information available, with the foreign market value, also based on the best information available.

We used the best information available as required by section 776(b) of the Act, because adequate responses were not submitted in an acceptable form.

United States Price

Because of the numerous discrepancies found in the amounts presented in the reports on sales to the United States and the failure of the respondents to provide sales information in an acceptable form as regards Chinsung, Dong In and Dong Won, we calculated the purchase price of photo albums and filler pages from these companies, as provided in section 776(b) of the Act, on the basis of prices of offers of this merchandise provided by petitioners with deductions, where appropriate, for ocean freight, United States duty, customs clearance and inland freight. Although less significant discrepancies were found in the reports of sales to the United States as regards Donam, Eunjin and Keywon, we also calculated the purchase price of photo albums and filler pages from these companies as described above, because major portions of the responses for these companies relative to foreign market value were unverifiable (see the "Foreign Market Value" section of this notice). Under these circumstances, the Department cannot use those portions of a response that are verifiable as it would allow respondents to selectively submit data that would be to their benefit in the analysis of their selling practices.

Foreign Market Value

In accordance with section 773(a) of the Act, we have detemined that none of the producers being investigated had sales of photo albums and filler pages in Korea during the period of investigation. The Korean producers did have sales to third countries during the period of investigation, however, the petitioners alleged that sales to third countries were at prices below the cost of producing the merchandise. We were unable to examine the production costs and third country market sales prices because the responses were not in acceptable form.

Based upon our attempted verification of the cost of production responses of the Korean companies, it was determined that these responses were not sufficiently supported by corporate cost accounting records and did not properly represent the costs to these companies of manfacturing the subject products. Use of estimates or standards without sufficient reliance on cost accounting records, failure to account for significant expenses and the existence of numerous mathematical errors all contributed to the understatement of those costs.

The scope of the required recalculations and revisions found in the verification process in this investigation goes far beyond the issues of accounting treatment and valuation and limited methodological problems and mathematical errors commonly uncovered at a verification. Faced with responses containing numerous fundamental flaws in both the methodology and mathematical calculations used in developing the production costs, the Department cannot properly base its determination on the information submitted by respondents. Nor is it acceptable in such situations that the Department bear the responsibility of attempting to identify and perform the numerous and substantial recalculations necessary for the development of representative and accurate production costs. Such a role would place too great a burden on the resouces of the Department under the time constraints and procedural framework of this investigation. It is the

obligation of repsondents to provide an accurate and complete response prior to verification so that the Department may have the opportunity to fully analyze the information and other parties are able to review and comment on it. The purpose of verification is to establish the accuracy of a response rather than to reconstruct the information to fit the requirements of the Department.

Thus, we were unable to compare third country prices of all six producers with their costs of production to determine whether third country market sales were made at prices below cost. Therefore, we used constructed value, as defined in section 773(e) of the Act, to determine the foreign market value of all photo albums and filler pages. In accordance with the best available information requirements of section 776(b) of the Act, we calculated constructed value on the basis of the cost data submitted by the petitioners which included general expenses of at least the statutory minimum of 10 percent of material and fabrication cost. We calculated profit on the basis of the statutory minimum of 8 percent of the cost of materials, fabrication and general expenses.

Final Affirmative Determination of Critical Circumstances

The petitioners alleged that imports of photo albums and filler pages from Korea present "critical circumstances." Under section 733(e)(1) of the Act, critical circumstances are determined to exist when Department finds that (1) there is a history of dumping in the United States or elsewhere of the merchandise under investigation, or (2) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair vaule, and (3) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short period.

In determining whether there is a history of dumping photo albums and filler pages from Korea in the United States elsewhere, we reviewed past antidumping findings of the Department of Treasury as well as past Department of Commerce antidumping orders. We also reviewed the antidumping actions of other countries. On March 26, 1985, in the finding of the Antidumping Tribunal in Review No. R–3–84, Canada imposed anitdumping duties on photo albums and filler pages from Korea. Thus, we find a history of dumping for this merchandise.

Since there is a history of dumping in the United States or elsewhere, we do not need to consider whether there is reason to believe or suspect that importers of this product knew or should have known that it was being sold at less than fair value.

We generally consider the following concerning massive imports: (1) Recent trends in import penetration levels; (2) whether imports have surged recently; (3) whether recent imports are significantly above the average calculated over the last three years; and (4) whether the pattern of imports over that three year period may be explained by seasonal swings.

In considering this question, we analyzed recent trade statistics on import levels and import penetration ratios for photo albums and filler pages from Korea for equal periods immediately preceding and following the filing of the petition, and seasonal factors. Based on our anslysis of recent trade data, we find that imports of photo albums and filler pages from Korea during the period subsequent to receipt of the petition have been massive when compared to recent import levels and import penetration ratios. Therefore, we determine that critical circumstances exist with respect to imports of photo albums and filler pages from Korea.

Verification

As provided in section 776(a) of the Act, we attempted to verify the information provided by the respondents by using standard verification procedures, including examination of relevant sales and cost records. We were unable to do so as described in "United States Price" and "Foreign Market Value" sections of this notice.

Petitioners' Comment: Petitioners contend that foreign market value and United States price should be based on the best information available, which in this case is information provided by petitioners, not the respondents' questionnaire responses.

DOC Position: We agree as stated in the "United States Price" and "Foreign Market Value" sections of this notice.

Petitioners' Other Comments: Other comments by petitioners relate to possible comparisons based on the responses. Since we did not use the responses these comments are moot.

Respondents' Comment 1: The respondents have requested in various submissions to the Department, including the hearing transcript, and pre-hearing and post-hearing briefs, that the Department use the information provided by the Korean producers, rather than petitioners' submitted data, as the best information available in determining United States price and foreign market value.

DOC Position: See the "United States Price" and "Foreign Market Value" sections of this notice.

Respondents' Comment 2: Respondents commented that the Department should rescind its preliminary determination that critical circumstances exist.

DOC Position: The Department has made a final determination that critical circumstances do exist. See the "Final Affirmative Determination of Critical Circumstances" section of this notice.

Suspension of Liquidation

In accordance with section 735(d) of the Act, we are directing the United States Customs Service to continue to suspend liquidation of all entries of photo albums and filler pages from Korea that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** The United States Customs Service shall require a cash deposit or the posting of a bond in an amount equal to the estimated amounts by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice. The margin for all products investigated is 64.81 percent.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping order, directing Customs officers to assess antidumping duties on the

subject products entered, or withdrawn from warehouse, for consumption on or after the date of suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the U.S. prices.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

William T. Archey,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 85–25764 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DS–M

[C–791–002]

Prestressed Concrete Steel Wire Strand From South Africa; Final Results of Changed Circumstances; Administrative Review and Termination of Suspended Countervailing Duty Investigation

AGENCY: International Trade Administrative/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Termination of Suspended Countervailing Duty Investigation.

SUMMARY: On August 6, 1985, the Department of Commerce published the preliminary results of its administrative review of the suspended countervailing duty investigation on prestressed concrete steel wire strand from South Africa and announced its tentative determination to terminate the suspended investigation. The review covers the period from January 1, 1983.

We gave interested parties an opportunity to comment. We received no comments. We therefore determine that domestic interested parties are no longer interested in continuation of the suspended investigation, and we are terminating the suspended investigation. In accordance with the petitioner's notification, the termination will apply to all PC strand entered, or withdrawn from warehouse, for consumption on or after January 1, 1983.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sylvia Chadwick or Philip Otterness, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 31757) the preliminary results of its changed circumstances administrative review of the suspended countervailing duty investigation on prestressed concrete steel wire strand ("PC strand") from South Africa (47 FR 22137; May 21, 1982). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of South African PC strand. Such merchandise is currently classifiable under item 642.1120 of the Tariff Schedules of the United States Annotated. The review covers the period from January 1, 1983.

Final Results of the Review and Termination

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to terminate. We received no comments.

As a result of our review, we determine that the domestic interested parties are no longer interested in continuation of the suspended countervailing duty investigation on PC strand from South Africa and that the investigation should be terminated on this basis. Therefore, we are terminating the suspended investigation on PC strand from South Africa effective January 1, 1983.

This administrative review, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: October 23, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 85–25768 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DS–M

[C–580–003]

Small Diameter Carbon Steel Pipes and Tubes From Korea; Final Results of Changed Circumstances; Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Revocation of Countervailing Duty Order.

SUMMARY: On August 20, 1985, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on small diameter carbon steel pipes and tubes from Korea and announced its tentative determination to revoke the order. The review covers the period from October 1, 1984.

We gave interested parties an opportunity to comment. After considering the comment received, we determine that domestic interested parties are no longer interested in continuation of the order, and we are revoking the order. In accordance with the interested parties' notifications, the revocation will apply to all small diameter carbon steel pipes and tubes exported on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Richard C. Henderson or Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 20, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 33614) the preliminary results of its changed circumstances administrative review of the countervailing duty order on small diameter carbon steel pipes and tubes from Korea (48 FR 7241, February 18, 1983). The Department has not completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Korean small diameter carbon steel pipes and tubes. Such merchandise is currently classifiable under items 610.3208, 610.3209, 610.3231, 610.3233, 610.3234, 610.3241, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, and 610.3258 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Analysis of Comment Received

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received a comment from ARMCO Inc., a domestic interested party.

Comment: ARMCO claims that there is a discrepancy in the wording between our notice of preliminary results and the terms of the Arrangement Concerning Trade in Steel Products between Korea

and the United States ("the Arrangement"). The Arrangement provides that *shipments* of Korean small diameter carbon steel pipes and tubes on or after October 1, 1984, will be subject to export ceilings. Our notice provided that "the revocation will apply to all small diameter carbon steel pipes and tubes *entered, or withdrawn from warehouse*, for consumption on or after October 1, 1984."

ARMCO argues that we should adhere to the Arrangement by making the revocation applicable only to shipments made on or after October 1, 1984.

Department's Position: Since the domestic interested parties' lack of interest in continuation of the countervailing duty order is the basis of the revocation, and since one of them, ARMCO, has unambiguously stated that its lack of interest in continuation applies to shipments made on or after October 1, 1984, we are revoking this order with respect to shipments of Korean small diameter carbon steel pipes and tubes exported on or after October 1, 1984. Exports prior to October 1, 1984, that are entered, or withdrawn from warehouse, for consumption on or after that date continue to be subject to the countervailing duty order.

If any interested party chooses to request, in accordance with the interim final/final rule (50 FR 32556, August 13, 1985), an administrative review for the period immediately preceding October 1, 1984, we will consider arguments that the revocation should affect exports (shipments) prior to October 1 that were entered on or after October 1.

Final Results of the Review and Revocation

After a review of the comment received, we determine that the domestic interested parties are no longer interested in continuation of the countervailing duty order on small diameter carbon steel pipes and tubes from Korea and that the order should be revoked on this basis.

Therefore, we are revoking the order on small diameter carbon steel pipes and tubes from Korea effective October 1, 1984. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after October 1, 1984, without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to those entries.

This notice does not cover unliquidated entries of small diameter carbon steel and tubes from Korea which were exported prior to October 1, 1984. The Department will cover any entries not covered in a prior administrative review and exported before October 1, 1984, in a separate review, if one is requested.

This administrative review, revocation, and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: October 18, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary; Import Administration.

[FR Doc. 85–25765 Filed 10–28–85; 8:45 am]
BILLING CODE 3510-DS-M

[A–588–006]

Certain Steel Pipes and Tubes From Japan; Final Results of Changed Circumstances; Administrative Review and Revocation of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Revocation of Antidumping Duty Order.

SUMMARY: On September 16, 1985, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on certain steel pipes and tubes from Japan and announced its tentative determination to revoke the order. The review covers the period from October 1, 1984.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. We therefore determine that domestic interested parties are no longer interested in continuation of the order and we are revoking the order. In accordance with the petitioner's notification, the revocation will apply to certain steel pipes and tubes entered, or withdrawn from warehouse, for consumption on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or Stephen Munroe, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On September 16, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 37565–66) the preliminary results of its changed circumstances administrative review of the antidumping duty order on certain steel pipes and tubes from Japan (48 FR 8522–8523, March 1, 1983). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of seamless heat-resisting pipes and tubes, currently classifiable under items 610.5206, 610.5208, 610.5229, and 610.5234 of the Tariff Schedules of the United States Annotated, and seamless stainless pipes and tubes, currently classifiable under items 610.5205, 610.5229, and 610.5230 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Final Results of the Review and Revocation

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments.

As a result of this review, we determine that the domestic interested parties are no longer interested in continuation of the antidumping duty order on certain steel pipes and tubes from Japan and that the order should be revoked on this basis.

Therefore, we are revoking the order on certain steel pipes and tubes from Japan effective October 1, 1984. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984, without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries.

This notice does not cover unliquidated entries of certain steel pipes and tubes from Japan which were entered, or withdrawn from warehouse, for consumption prior to October 1, 1984. The Department will cover any such entries in a separate review, if one is requested.

This administrative review, revocation and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and §§ 353.53

and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: October 23, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85–25778 Filed 10–28–85; 8:45 am]

BILLING CODE 3510-DS-M

[C–791–009]

Steel Pipes and Tubes From South Africa; Final Results of Changed Circumstances; Administrative Review and Termination of Suspended Countervailing Duty Investigation

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Termination of Suspended Countervailing Duty Investigation.

SUMMARY: On August 29, 1985, the Department of Commerce published the preliminary results of its administrative review of the suspended countervailing duty investigation on steel pipes and tubes from South Africa and announced its tentative determination to terminate the suspended investigation. The review covers the period from October 1, 1983.

We gave interested parties an opportunity to comment. We received no comments. We therefore determine that domestic interested parties are no longer interested in continuation of the suspended investigation, and we are terminating the suspended investigation. In accordance with the petitioner's notification, the termination will apply to all steel pipes and tubes entered, or withdrawn from warehouse, for consumption on or after October 1, 1983.

EFFECTIVE DATE: October 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sylvia Chadwick or Philip Otterness, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 29, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 35110), the preliminary results of its changed circumstances administrative review of the suspended countervailing duty investigation on steel pipes and tubes from South Africa (48 FR 24407; June 1, 1983). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of South African pipes and tubes. Such merchandise is currently classifiable under items 610.3000, 610.3100, 610.3205, 610.3208, 610.3209, 610.3212, 610.3213, 610.3216, 610.3219, 610.3221, 610.3227, 610.3231, 610.3233, 610.3234, 610.3241, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3500, 610.3600, 610.3925, 610.3935, 610.3945, 610.3955, 610.4025, 610.4035, 610.4045, 610.4055, 610.4225, 610.4235, 610.4245, 610.4255, 610.4325, 610.4335, 610.4345, 610.4355, 610.4500, 610.4600, 610.4800, 610.4920, 610.4925, 610.4928, 610.4931, 610.4933, 610.4936, 610.4942, 610.4944, 610.4946, 610.4948, 610.4951, 610.4953, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.4976, 610.5130, 610.5160, 610.5202, 610.5204, 610.5206, 610.5209, 610.5211, 610.5214, 610.5216, 610.5221, 610.5222, 610.5226, 610.5229, 610.5230, 610.5231, 610.5234, 610.5236, 610.5240, 610.5242, 610.5243, and 610.5244 of the Tariff Schedules of the Unites States Annotated.

The review covers the period from October 1, 1983.

Final Results of the Review and Termination

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to terminate. We received no comments.

As a result of our review, we determine that the domestic interested parties are no longer interested in continuation of the suspended countervailing duty investigation on steel pipes and tubes from South Africa and that the investigation should be terminated on this basis. Therefore, we are terminating the suspended investigation on steel pipes and tubes from South Africa effective October 1, 1983.

This administrative review, and notice are in accordance with section 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: October 23, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 85–25769 Filed 10–28–85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Gulf World, Inc.

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Gulf World, Inc. (P160C)

b. Address: 15412 West Alt. Highway 98, Panama City Beach, Florida 32407

2. Type of Permit: Public Display

3. Name and Number of Marine Mammals: Atlantic bottlenose dolphin (Tursiops truncatus)—1

4. Type of Take: Capture/maintain

5. Location of Activity: Florida Panhandle

6. Period of Activity: 2 years

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC; and

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

October 23, 1985.

[FR Doc. 85–25757 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Issuance of Permit to Pueblo Zoological Society

On September 6, 1985, notice was published in the **Federal Register** (50 FR 36461) that an application had been filed by Pueblo Zoological Society, Pueblo Zoo, P.O. Box 1245, Pueblo, Colorado 81002 for a permit to import three (3) Cuvier's beaked whale (*Ziphius cavirostris*) vertebrae for the purpose of public display.

Notice is hereby given that on October 22, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

October 23, 1985.

[FR Doc. 85–25759 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Issuance of Permit to Southeast Fisheries Center

On August 21, 1985, notice was published in the **Federal Register** (50 FR 33816) that an application had been filed by the Southeast Fisheries Center, National Marine Fisheries Service, Mississippi Laboratories, Pascagoula Facility, P.O. Drawer 1207, Pascagoula, Mississippi 39567–1207 for a scientific permit to take Atlantic bottlenose dolphins (*Tursiops truncatus*) and other unspecified cetaceans for scientific research.

Notice is hereby given that on October 22, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC; and Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

October 23, 1985.

[FR Doc. 85–25760 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–22–M

[Modification No. 1 to Permit No. 479]

Marine Mammals; Modification of Permit of Dr. Donald B. Siniff

Pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 479 issued to Dr. Donald B. Siniff, Department of Ecology and Behavioral Biology, 109 Zoology Building, University of Minnesota, Minneapolis, Minnesota 55455, on July 26, 1984, (49 FR 30770) is modified as follows:

Section A.l.e. is added:

"e. Of the animals authorized in section A.l.c., 20 adult females may have milk samples taken three times during the lactation period and their pups may have three blood samples each taken during the 1985/86 field season.

This modification became effective on October 18, 1985. Documents submitted in connection with the above modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC. 20235; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

October 23, 1985.

[FR Doc. 85-25758 Filed 10-28-85; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Intent To Grant Exclusive Patent Licenses; NOVA Pharmaceutical Corp.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to NOVA Pharmaceutical Corporation, having a place of business in Baltimore, Maryland, an exclusive right in the United States and certain foreign countries to manufacture, use, and sell products embodied in the inventions entitled "Biologically-Active Xanthine Derivatives," U.S. Patent Applications Serial Numbers 6–664,953 and 6–717,616. The patent rights in these inventions are assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.9 The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 85–25754 Filed 10–28–85; 8:45 am]

BILLING CODE 3512–04–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limit for Certain Cotton Textile Products Produced or Manufactured in the People's Republic of China

October 23, 1985.

The Chairman of the Committee for the Implementation of Textile

Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 29, 1985. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

A CITA directive establishing import limits for specific categories of cotton, wool and man-made fiber textile products, including terry and other pile towels in Category 363, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1985, was published in the **Federal Register** on December 28, 1984 (49 FR 50432). The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, provides, among other things, for the carryover of shortfalls in certain categories from the previous agreement year. Accordingly, at the request of the Government of the People's Republic of China carryover is being applied to the current-year limit for Category 363, increasing it from 20,034,450 numbers to 20,627,991 numbers.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 23, 1985

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 24, 1984 from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain specific categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1985.

Effective on October 29, 1985, the directive of December 24, 1984 is hereby further amended to adjust the previously established restraint limit for Category 363 to 20,627,991 numbers [1] under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended.[2]

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–25771 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DR–M

Announcement of Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in Israel

October 24, 1985.

On April 9, 1985 a notice was published in the **Federal Register** (50 FR 11534) announcing that, on March 29, 1985 the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, had requested the Government of Israel to enter into consultations concerning exports to the United States of cotton sheets in Category 361, produced or manufactured in Israel.

The purpose of this notice is to advise the public that, inasmuch as no agreement was reached on a mutually satisfactory solution concerning this category, in consultations held May 15–16 and June 20–23, the United States Government has decided to control imports in Category 361, produced or manufactured in Israel and exported during the twelve-month period which began on March 29, 1985 and extends through March 28, 1986 at a level of 626,455 numbers. Should a different solution be reached in further consultations, further notice will be published in the **Federal Register.**

Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 361, exported during the period which began on March 29, 1985 and extends through March 28, 1986 in excess of the designated restraint limit. Charges for goods exported during the aforementioned period and imported during the period March 29, 1985 through October 19, 1985 have amounted to 547,074 numbers and will be charged.

For further information contact: Ross Arnold, International Trade Specialist, Office of Textile and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57548), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 31, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 361, produced or manufactured in Israel and exported during the twelve-month period which began on March 29, 1985, in excess of 626,455 numbers.[1]

Textile products in Category 361 which have been exported to the United States prior to March 29, 1985 shall not be subject to this directive.

Textile products in Category 361 which have been released from the custody of the U.S. Customs Service under the provision of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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[1] The limit has not been adjusted to account for any imports exported after December 31, 1984.

[2] The agreement provides, in part, that (1) with the exception of Category 315, any specific limit may be exceeded by not more than 5 percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent square yard equivalent decrease in one or more other specific limits in that agreement year; (2) the specific limits for certain categories may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[1] The level has not been adjusted to reflect any imports exported after March 28, 1985. Charges for goods imported during the period March 29, 1985 through October 19, 1985 have amounted to 547,074 numbers.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (47 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–25773 Filed 10–28–85; 8:45am]

BILLING CODE 3510–DR–M

Increase in Import Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or manufactured in Colombia

October 23, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 29, 1985. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agrements of July 1 and August 11, 1982, as amended, between the Governments of the United States and Colombia provides consultation levels for certain categories, such as Categories 338, 340, 341, 642 and 648, which may be adjusted during the agreement year upon agreement between the two governments. The Governments of the United States and Colombia have agreed to further amend their bilateral agreement to establish designated consultation levels for Categories 338, 340, 341, 642 and 648, produced or manufactured in Colombia and exported during the current agreement year which began on July 1, 1985 and extends through June 30, 1986. The letter to the Commissioner of Customs which follows this notice implements the agreed increases and controls these categories at those levels for the first time in the current agreement year.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 23, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of June 27, 1985 which directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Colombia and exported during the twelve-month period which began on July 1, 1985 and extends through June 30, 1986.

Effective on October 29, 1985, the directive of June 27, 1985 is hereby further amended to establish the following restraint levels for cotton and man-made fiber textile products in Categories 338, 340, 341, 642 and 648:

Category	12-month level [1] (dozen)
338	138,889
340	75,000
341	103,448
642	56,180
648	67,416

[1] The levels have not been adjusted to reflect any imports exported after June 30, 1985.

Textile products in the foregoing categories which have been exported to the United States prior to July 1, 1985 shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–25772 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DR–M

Request for Public Comment on Bilateral Textile Consultations on Certain Cotton and Man-Made Fiber Textile Products in Categories 359pt. and 649 Produced or Manufactured in Taiwan

October 23, 1985.

On September 17 and 30, 1985, the American Institute in Taiwan (AIT), under the agreement of November 18, 1982, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan, requested the Coordination Council for North American Affairs (CCNAA) to enter into consultations concerning exports to the United States of man-made fiber brassieres in Category 649, and cotton headwear in Category 359pt. (only T.S.U.S.A. numbers 702.0600 and 702.1200), produced or manufactured in Taiwan.

The purpose of this notice is to advise that, if no pollution is agreed upon in consultations, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 359pt. and 649, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985.

Anyone wishing to comment or provide data or information regarding the treatment of these categories is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public

which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–25776 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DR–M

Request for Public Comment on Bilateral Textile Consultations With the Government of the Republic of South Africa on Trade in Category 433 (Men's and Boys' Wool Suit-Type Coats)

October 23, 1985.

On September 30, 1985 the Government of the United States, under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854), requested the Government of the Republic of South Africa to enter into consultations concerning exports to the United States of men's and boys' wool suit-type coats in Category 433, produced or manufactured in South Africa.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations, the Committee for the Implementation of Textile Agreements may later establish a limit of 5,244 dozen for the entry and withdrawal from warehouse for consumption of textile products in this category, produced or manufactured in South Africa and exported to the United States during the twelve-month period which began on September 30, 1985 and extends through September 29, 1986.

Anyone wishing to comment or provide data or information regarding the treatment of Category 433 is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textile and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

South Africa—Market Statement

Category 433—Wool Suit-Type Coats

September 1985.

Summary and Conclusions

U.S. imports of Category 433 from South Africa were 6,700 dozens for the year ending July 1985. This compares with 230 dozen in the same period one year earlier. Imports for calendar year 1984 were 150 dozens. Ninety-eighty percent of the year-ending July 1985 imports were entered in the first seven months of this year, an annual rate of 11,304 dozens.

The sharp and substantial increase of low-valued imports of Category 433 from South Africa is disrupting the U.S. market.

Imports and Import Penetration

Imports of this category have increased rapidly over the past 5 years. In 1981 Category 433 imports were 66,000 dozens. By 1984 they had nearly tripled to 189,000 dozens. Year ending July 1985 imports were up 45,000 dozens, or 29 percent, from the same period one year earlier to 202,000 dozens.

The ratio of imports to production of this category has risen steadily and more than doubled from 16.5 percent in 1981 to 39.0 percent in 1984.

Production and Domestic Producers' Market Share

U.S. production of Category 433 recovered from the recession in 1984 when the U.S. market significantly expanded. However, the domestic producers' market share continued to decline dropping from 85.8 percent in 1981 to 77.6 percent in 1983 to 72.0 percent in 1984.

[FR Doc. 85–25775 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DR–M

Request for Public Comment on Bilateral Textile Consultations With the Republic of Korea To Review Trade in Category 359pt. (Headwear)

October 23, 1985.

On September 30, 1985, the Government of the United States requested consultations with the Government of the Republic of Korea with respect to cotton headwear in Category 359pt. (only T.S.U.S.A. numbers 702.0600 and 702.1200), produced or manufactured in Korea. This request was made on the basis of the agreement of December 21, 1982, as amended, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with Korea, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of textile products in Category 359pt., produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985.

Anyone wishing to comment or provide data or information regarding the treatment of this category from Korea under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 1, 1983 as amended, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing to the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement

or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–25774 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DR–M

Increase in Import Level for Cotton, Wool and Man-Made Textiles (Category 320) Produced or Manfactured in Colombia

October 24, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 30, 1985. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

The Bilateral Cotton, Wool and Man-Make Fiber Textile Agreeemt of July 1 and August 11, 1982, as amended, between the Governments of the United States and Colombia provides consultation levels for certain categories, such as Category 320 (other woven cotton fabrics), which may be adjusted upon agreement between the two governments. The Governments of the United States and Colombia have agreed to further amend their bilateral agreement to increase this designated consultation level from 7,000,000 square yards to 10,500,000 square yards for the current agreement year which began on July 1, 1985 and extends through June 30, 1986 for goods exported during that period. The letter to the Commissioner of Customs which follows this notice implements the agreed increase.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 24, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of June 27, 1985 which directed you to prohibit entry of certain cotton, wool, and man-made fiber textile products produced or manufactured in Colombia and exported during the twelve-month period which began on July 1, 1985 and extends through June 30, 1986.

Effective on October 30, 1985, the directive of June 27, 1985 is hereby further amended to increase the restraint level[1] previously established for textile products in Category 320 to 10,500,000 square yards.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–25761 Filed 10–28–85; 8:45 am]

BILLING CODE 3510–DR–M

COMMODITY FUTURES TRADING COMMISSION

New York Futures Exchange and Intermarket Clearing Corp.; Transfer of Clearing Functions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The New York Futures Exchange ("NYFE") and the Intermarket Clearing Corporation ("ICC") have submitted proposals to amend their rules in order to effect the transfer of the clearing functions for trade executed on NYFE from the New York Futures Clearing Corporation ("NYFCC") to ICC. The Commodity Futures Trading Commission ("Commission") has determined that publication of these proposals will assist the Commission in considering the views of interested persons and is consistent with the purposes of the Commodity Exchange Act ("Act").

[1] The level has not been adjusted to reflect any imports exported after June 30, 1985.

DATE: Comments should be received on or before November 29, 1985.

ADDRESS: Interested persons should submit their comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to NYFE–ICC Transfer of Clearing Functions.

FOR FURTHER INFORMATION CONTACT: John C. Lawton, Attorney/Advisor, Division of trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254–8955.

SUPPLEMENTARY INFORMATION: Trades executed on the NYFE are currently cleared through the NYFCC, a wholly-owned subsidiary of NYFE. By letter dated September 116 1985, NYFE submitted for Commission approval pursuant to section 5a(12) of the Act, rule amendment relating to the transfer of clearing functions from NYFCC to ICC, an independent organization. By letter dated September 13, 1985, ICC also submitted pursuant to section 5a(12) rule amendments relating to the transfer.

Copies of the proposed rule amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC, 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other material submitted by NYFE and ICC in support of the proposals may be available upon request pursuant to the Freedom of Information Act [5 U.S.C. 552] and the Commission's regulations thereunder [17 CFR Part 145 [1984]], except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such material sholud be made to the FOI, Privacy and Sunshine Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 by November 29, 1985.

Issued in Washington, D.C. on October 23, 1985.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85–25693 Filed 10–28–85; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the National Advisory Panel on the Education of Handicapped Dependents

AGENCY: Department of Defense Dependents Schools (DoDDS), Office of the Secretary, DOD.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Panel on the Education of Handicapped Dependents. This notice also describes the functions of the Panel. Notice of this meeting is required under the National Advisory Committee Act. This meeting is open to the public; however, due to space constraints, anyone wishing to attend should contact the Office of Dependents Schools (ODS) coordinator.

DATE: December 11, 1985, 9 a.m. to 4 p.m.; December 12, 1985, 9 a.m. to 4 p.m.; December 13, 1985, 9 a.m. to 4 p.m.

ADDRESS: ODS, 2461 Eisenhower Avenue, Alexandria, Virginia.

FOR FURTHER INFORMATION CONTACT: Dr. Diane Goltz, Chief, Special Education Branch, DoDDS, 2461 Eisenhower Avenue, Alexandria, Virginia 22331–1100, (202/325–7810).

SUPPLEMENTARY INFORMATION: The National Advisory Panel on the Education of Handicapped Dependents is established under section 613 of the Education for All Handicapped Children Act of 1975 (20 U.S.C. 1401, Pub. L. 94–142). The Panel is directed to advise the Director, DoDDS, of unmet needs within the system for the education of handicapped children, to comment publicly on rules and regulations proposed for issuance by ODS concerning education for handicapped children and on procedures for distribution of funds, and to assist ODS in developing and reporting all data and evaluation as may assist the Director in the performance of her responsibilities under section 613 of Pub. L. 94–142. The Panel will review the following areas: Related services, personnel development, program development, administration, and budget.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 24, 1985.

[FR Doc. 85–25805 Filed 10–28–85; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Signature and Tally Record, DD Form 1907.

The Signature and Tally Record is an integral part of the Defense Transportation System to provide continuous accountability and custody of classified and sensitive material when using commercial carriers. Form records the shipment transfer from one carrier to another from pickup point of delivery to the consignee.

Freight Carriers.

Responses: 45,000.

Burden Hours: 1,500.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Building, Washington, DC 20503 and Mr. Danial J. Vitiello, DoD Clearance Officer, WHS-DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Mr. Herbert F. Ewert, DAIM-ADI-M, Room 1C638, The Pentagon, Washington, DC 20310–0700, telephone (202) 694–0754.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

October 24, 1985.

[FR Doc. 85–25806 Filed 10–28–85; 8:45 am]

BILLING CODE 3810–01–M

Corps of Engineers, Department of the Army

Draft Environmental Impact Statement; Agana Bay, GU

To prepare a Draft Environmental Impact Statement (DEIS) for a Department of the Army (DA) regulatory permit action to construct a deep draft harbor for cruise ships at Agana Bay, Guam, and to construct 200 acres of reef flat fill for private sector development at Agana Bay, Guam.

AGENCY: Corps of Engineers, Department of the Army, DOD.

ACTION: Notice of Intent to prepare a draft DEIS for regulatory permit action.

SUMMARY:

1. Description of the Proposed Action

The applicant, the port authority of Guam proposes to dredge a deep draft harbor for cruise ships at Agana Bay, Guam, adjacent to the Agana sewage treatment plant and small boat harbor. Approximately 3 million cubic yards of dredging within the Agana Bay reef flat to construct the 40-foot deep harbor is anticipated. The port authority proposes using the dredged material to fill an adjacent 200 acres of reef flat area at Agana Bay for private sector development to finance the deep draft harbor construction. The applicants purpose in constructing the deep draft harbor is to isolate passenger ships from the present congested Cabras Island Cargo Ship Terminal at Apra Harbor and to bring passenger ships directly to the capitol city of Agana for passenger convenience.

2. Applicable Statutory Authorities

Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

3. Description of Reasonable Alternatives

The alternatives which may be included in the draft Environmental Impact Statement include:

a. Permit denial.

b. No action.

c. Reduction in the scope of work, including one or more of the following:

(1) Alternative locations for the port.

(2) Limiting the size of the proposed action requested by the permit.

(3) Reducing the size or configuration of the deep draft harbor.

(4) Eliminating or reducing the need for fill.

(5) Modifying the proposed action to reduce resource impacts.

d. Reasonable and practical alternatives that can be undertaken by the applicant alone.

e. Reasonable and practical alternatives that can be instituted by some other Government agencies.

4. Scoping Process for the Draft Environmental Impact Statement

a. The public and affected Federal and State local agencies and other interested private organizations and parties are invited to comment on or identify specific concerns which should be addressed in the DEIS. It is estimated the DEIS will be made available to the public in February 1986. Upon preparation of the DEIS, a public notice shall be issued summarizing the facts of the project and announcing the availability of the DEIS. If a public hearing is requested, it will be held after the completion of the DEIS. A public notice announcing the time, date, location and nature of the hearing will be issued at least 30 days prior to the hearing date.

b. The significant issues to be analyzed in the draft Environmental Impact Statement will inlcude:

(1) Impacts of the fill on water quality.

(2) Impacts of the channel and harbor construction on coastal zone resoucres including coastal water quality and on drainage characterics and water circulation patterns in the area.

(3) Impacts of the action on threatened and endangered species, air quality, archaeological and historic resources and recreation.

(4) The relationship of authorized actions to the total project planned by the developer including tertiary and cumulative impacts, aesthetics, socio-economic, infrastructure and land use impacts.

Questions about the proposed action and the DEIS can be answered by: Mr. John Emmerson, Construction-Operations Branch, US Army Corps of Engineers, Fort Shafter, Hawaii 96858-5440, telephone (808) 438-9258.

Dated: October 21, 1985.

Michael M. Jenks,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 85-25667 Filed 10-28-85; 8:45 am]

BILLING CODE 3710-NN-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Application Notice Establishing Closing Dates for Transmittal of Certain Fiscal Year 1986 Awards; Correction

AGENCY: Department of Education.

ACTION: Correction Notice.

SUMMARY: An application notice establishing closing dates for the transmittal of application for Fiscal Year 1986 awards for the Handicapped Children's Early Education Program was published on October 3, 1985 at 50 FR 40472.

On Page 40472, first column, under the heading, *APPLICATIONS DELIVERED BY MAIL,* the CFDA Number was listed incorrectly as 84.029. The correct CFDA Number is 84.024.

On Page 40472, third column, the fourth paragraph should read: "All comments from State Single Points of Contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by *March 21, 1986* to the following address:".

FOR FURTHER INFORMATION CONTACT: Ms. Mary A. Smith, Division of Regulations Management, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 2134, FOB-6), Washington, DC 20202. Telephone: (202) 732-2884.

(20 U.S.C. 1423)

(Catalog of Federal Domestic Assistance No. 84.024; Handicapped Children's Early Education Program)

Dated: October 24, 1985.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitation Services.

[FR Doc. 85-25743 Filed 10-28-85; 8:45 am]

BILLING CODE 4001-01-M

Desegregation of Public Education Program

AGENCY: Department of Education.

ACTION: Application notice for new State Educational Agency Projects for fiscal year 1986.

Applications are invited for new projects under the State educational agency (SEA) program for race, sex, and national origin desegregation assistance under section 403 of the Civil Rights Act of 1964.

Authority for this program is contained in Title IV of the Civil Rights Act of 1964. (42 U.S.C. 2000c-2000c-5).

The program issues awards to SEAs.

The purpose of the awards is to provide technical assistance, training, and advisory services to school districts in coping with the special educational problems caused by the desegregation of their schools based on race, sex, or national origin.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by February 14, 1986.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Washington, DC 20202. Applications for the SEA program should be marked Attention: 84.004C.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing; (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, DC.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, DC time) daily, except Saturdays, Sundays, or Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The regulations provide specific criteria for awards in 34 CFR 270.17-19 (formerly 45 CFR 180.17-19). Applications will be evaluated under these criteria. Under Section 270.20(a) of the regulations, the

Secretary approves only those applications that receive a score of at least 60 points on the basis of the criteria. The applicant should also refer to 34 CFR 270.11–15 (formerly 45 CFR 180.11–15) in the development of the grant application.

An SEA should submit separate applications for race, sex, or national origin desegregation assistance awards. SEAs that presently have awards are reminded that they must submit new applications for fiscal year 1986.

Intergovernmental review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158–29168) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A–95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for review:

State

Alabama	Hawaii
Arizona	Indiana
Arkansas	Iowa
California	Kansas
Connecticut	Kentucky
Delaware	Louisiana
District of Columbia	Maine
Florida	Massachusetts
Michigan	Oregon
Missouri	Pennsylvania
Montana	South Dakota
Nebraska	Texas
Nevada	Tennessee
New Hampshire	Trust Territory
New Jersey	Vermont
New Mexico	Virginia
New York	Washington
North Dakota	Wyoming
Ohio	Guam
Oklahoma	Virgin Islands

Immediately upon receipt of this notice, applicants that are governmental entities must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by April 15, 1986 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (84.004C) 400 Maryland Avenue, SW., Washington, DC 20202. (Proof of mailing will be determined on the same basis as applications.)

Please note that the above address is not the same address as the one to which the applicant submits its completed applications. *Do Not Send Applications to the Above Address.*

AVAILABLE FUNDS

In 1985, $24,000,000 was appropriated for Training and Advisory services. For 1986 the President has requested $16,000,000 as the first stage of a planned phase out of the program over the next two years. However, the Congress has not yet enacted a 1986 appropriation. If the 1986 appropriation is the same as the President's request, approximately $10,000,000 will be made available for grants to SEAs. The remaining $6,000,000 will be used for awards to desegregation assistance centers. The average SEA grant is projected to be approximately $92,500. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations. The Department is awarding 109 grants for 1985 SEA projects. The Department makes separate grants for race, sex, and national origin.

Application forms: Application forms and program information packages are expected to be ready for mailing on November 22, 1985. They may be obtained by writing to the Equity Training and Technical Assistance Program Staff, U.S. Department of Education (Room 2031, FOB–6), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that applicants not submit information that is not requested.

(The application is approved under OMB Control Number 1810–0030)

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Desegregation of Public Education program, 34 CFR Part 270 (formerly 45 CFR Part 180).

(b) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

For further information: For further information contact George R. Rhodes, Jr., Director, Division of Educational Support, U.S. Department of Education (Room 2003, FOB–6), 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 245–8484.

(Catalog of Federal Domestic Assistance Number 84.004, Civil Rights Technical Assistance Programs)

(42 U.S.C. 2000c–2000c–5)

Dated: October 24, 1985.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 85–25742 Filed 10–28–85; 8:45 am]

BILLING CODE 4000–01–M

Office of the Secretary

Continuation Awards Under Certain Programs; Application Procedure; Correction

AGENCY: Department of Education.

ACTION: Correction, Continuation Awards Under Certain Programs; Application Procedure.

SUMMARY: In the application notice published in the **Federal Register** on October 15, 1985 on page 41727, in the table "Fiscal Year 1986 Discretionary Grant Programs" under "Office of Elementary and Secondary Education (OESE)" under CFDA Nos. 84.014A, 84.014B, and 84.014D, the Follow Through Programs, continuations, the Deadline date for applications is changed to read "March 3, 1986," and the Deadline date for State intergovernmental review comments is changed to read "April 2, 1986."

FOR FURTHER INFORMATION CONTACT: Rebecca Beal, Telephone (202) 732–2501.

Dated: October 24, 1985.

Lawrence E. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 85–25744 Filed 10–28–85; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. QF86–3–000, et al.]

Concept Technology, et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Concept Technology, Inc.

Docket No. QF86–3–000

October 17, 1985

On October 2, 1985, Concept Technology, Inc. of 20 Nassau Street, Princeton, New Jersey 08542 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at S. Gumpert Co., Inc., 812 Jersey Avenue, Jersey City, New Jersey. The facility will consist of a natural gas-fired engine, an induction generator and a heat exchanger. The net electric power production capacity will be 75 kW. The primary source of energy will be natural gas. The date of installation is estimated to be January 15, 1986.

2. Calderon Energy Co.

Docket No. QF86–15–000

October 23, 1985.

On October 8, 1985, Calderon Energy Co. (Applicant), P.O. Box 126, Bowling Green, Ohio 43402, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located on North Dunbridge Road, Bowling Green, Ohio. The facility is a combined cycle-topping cycle cogeneration plant. It will consist of a gas turbine, an extraction/condensing turbine generator set and related auxiliary equipment. Extraction steam will be used in a chemical reaction at a nearby coal gasification plant. The primary energy source for the facility will be low Btu artificial gas. The net power production capacity of the facility is 49 megawatts. Construction of the facility is scheduled to commence in September 1986.

3. Garratt-Callahan Company

Docket No. QF86–6–000

October 23, 1985.

On October 7, 1985, Garratt-Callahan Company (Applicant), of One Eleven Rollins Road, Milbrae, California 94030, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The five megawatt hydroelectric facility is located at the Wailuku River on the Island of Hawaii approximately eight miles east of Hilo Bay.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

4. Henwood Associates, Inc.

Docket No. QF86–13–000

October 23, 1985.

On October 7, 1985, Henwood Associates, Inc. (Applicant), of 1818 11th Street, Suite 4, Sacramento, California 94814 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 1,000 kilowatt hydroelectric facility will be located in Mono County, California.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

5. Howard and Mildred Carter

Docket No. QF86–5–000

October 23, 1985.

On October 7, 1985, Howard and Mildred Carter (Applicant), of Box 2084, Route 38, Livingston, Montana 59047 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 340 kilowatt hydroelectric facility is located in Park County, Montana.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

6. Nelson Greek Power, Inc.

Docket No. QF86–14–000

October 23, 1985.

On October 7, 1985, Nelson Greek Power, Inc. (Applicant), of P.O. Box

4728, Redding, California 96099 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 1,100 Kilowatt hydroelectric facility will be located in Shasta County, California.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

7. O'Brien Energy Systems, Inc.

Docket No. QF86–9–000

October 23, 1985.

On October 7, 1985, O'Brien Energy Systems, Inc. (Applicant) of Green and Washington Streets, Downingtown, Pennsylvania 19335, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located at the Hartford Steam Company, 60 Columbus Boulevard, Hartford, Connecticut 01644. The facility is a combined cycle-topping cycle cogeneration plant. The thermal output will consist of steam sold to the Hartford Steam Company for resale to customers in its steam loop. The primary energy input to the facility will be natural gas. No. 2 fuel oil will be used in emergency situations. The net electric power production capacity of the facility will be 53,914 Kilowatts. Installation of the facility will begin in the first quarter of 1986 with commencement of operation planned for the third quarter of 1987.

8. Pan Pacific Hy dro, Inc.

Docket No. QF86–10–000

October 23, 1985.

On October 7, 1985, Pan Pacific Hydro, Inc. (Applicant), of 215 Main Street, Weaverville, California 96093 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Comission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Trinity County, California. The facility will consist of a hydroelectric generator, powerhouse, and appurtenances. The electric power production capacity is 4.9 MW. The primary source of energy is water.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

9. Western Consolidated Energy Corp.

Docket No. QF85–731–000

October 17, 1985.

On September 25, 1985, Western Consolidated Energy Corp. of 655 Corona, Denver, Colorado 80218, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle congeneration facility will be located at 10400 Isabelle Road, Lafayette, Colorado. The facility will consist of two combustion turbine generators and heat recovery boilers. The electric power production capacity is 2,600 kW. The primary source of energy is natural gas. Installation will begin approximately in December, 1985.

10. University Congeneration, Inc., et al.

Docket No. QF85–593–001

October 23, 1985.

On October 4, 1985, University Cogeneration, Inc. and University Cogeneration Partners, Ltd. 1985–1, (Applicant) of 3430 Camino Del Rio North, Suite 200, San Diego, California 92108 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in the Midway-Sunset Oil Field, approximately 3½ miles south of Tart, Kern County, California. The Facility will consist of a combustion turbine generator, and a supplementary fired heat recovery boiler (HRB). The steam from the HRB will be used in the tertiary oil recovery operation. The electric power production capacity of the facility will be 38,700 kW. The primary energy source for the facility will be natural gas. An electric utility and/or electric utility holding company will have up to 41.1% ownership interest in the facility. The facility is expected to start up on November 1, 1985.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commmission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 85–25700 Filed 10–28–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI86–19–000]

Amoco Production Co.; Application for Blanket Certificate of Public Convenience and Necessity and for an Order Permitting and Approving Abandonment and Pre-Granted Abandonment

October 24, 1985.

Take notice that on October 16, 1985, Amoco Production Company (Amoco) filed an Application pursuant to sections 4 and 7 of the Natural Gas Act (NGA), and the provisions of 18 CFR Parts 154, and 157 (i) authorizing the sale for resale in interstate commerce of certain natural gas produced by Amoco and its joint interest owners, (ii) authorizing blanket temporary abandonment and pre-granted permanent abandonment of certain sales as described therein, and (iii) authorizing transportation by interstate pipelines (and the pregranted abandonment of same), where and if necessary, to effectuate the sale and purchase of gas, as more fully described in the Application, which is on file with

the Commission and open for public inspection. Amoco also requests that said blanket authorization be made effective on or before November 1, 1985.

Amoco states that recent industry experience with direct producer sales demonstrates that the blanket authority as requested is consistent with the Commission's rules and regulations, *i.e.*, Parts 154 and 157 requirements, and with the Commission's Order No. 436.[1] Further, Amoco states that, absent said blanket authorization, the flexibility and efficiency necessary for successful operation of the market would be hindered.

Amoco emphasizes that no Commission-mandated scheme of contract carriage or market access is sought by its Application. A decision by an interstate pipeline, intrastate pipeline, Hinshaw pipeline or local distribution company to have gas transported on its behalf, or to provide transportation services as a participating pipeline, or for pipelines to enter into blanket transportation agreements with Amoco is purely voluntary.

Specifically, Amoco requests that the Commission authorize Amoco, effective on or before November 1, 1985:

(1) To make sales for resale in interstate commerce, without supply or market limitations, of NGA gas with an applicable maximum lawful ceiling price equal to or higher than the Natural Gas Policy Act (NGPA) section 109 ceiling price that is produced from various interests owned by Amoco;

(2) to make sales for resale in interstate commerce, without supply or market limitations, of NGA gas with an applicable maximum lawful ceiling price equal to or higher than the NGPA section 109 price and produced from various interests attributable to other owners having interests in the same wells as Amoco, to the extent that such joint interest owners agree to same;

(3) to abandon, temporarily, sales for resale of NGA gas with an applicable maximum lawful ceiling price equal to or higher than the NGPA section 109 price and previously certificated by the Commission, to the extent that such gas is released by interstate pipelines for resale to third parties;

(4) to abandon (pursuant to pre-granted abandonment authority) any sale for resale authorized pursuant to any blanket certificate issued herein; and,

(5) to have both NGA and non-NGA gas that is sold by Amoco and its joint interest owners transported in interstate commerce, on a self-implementing basis and without source or recipient limitations, by any willing transporter to any willing and able purchaser of such gas, with pre-granted abandonment of same.

Amoco is requesting the authorization described herein only to the extent that any element of such authorization is not otherwise made effective on or before November 1, 1985, as a result of Commission action in any other proceeding. In particular, Amoco refers to the Commission's Order No. 436, issued October 9, 1985 in Docket No. RM85–1–000 and states that the blanket authority requested would be supplemental to the flexible transportation scheme promulgated therein.

Sales proposed to be made by Amoco on behalf of itself and its joint interest owners will not involve a dedication of reserves but will be based on periodic nominations, either by purchasers or by Amoco. The sales volumes, prices, purchasers, delivery points, transporter, and supply source will vary. Although sales made by Amoco to end-users would qualify as direct sales, and thus not require a sales certificate, other sales under the blanket authority requested will be for resale and will vary on a periodic basis, depending on the nominations.

Amoco proposes to sell and deliver to various purchasers all or a portion of the gas Amoco determines is available for sale at the most favorable terms for Amoco for a particular month. Amoco will not be obligated to sell gas pursuant to any nomination or proposed nomination until the exact volumes, terms and conditions, and prices are agreed to by Amoco and a purchaser. The actual contract between Amoco and the purchaser may be for all or any portion of the quantity which was set out in the nomination or proposed nomination.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25694 Filed 10–28–85; 8:45 am]

BILLING CODE 6717–01–M

[1] *Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol*, Docket No. RM85–1–000 (October 9, 1985)

[Project No. 3043–006]

Arkansas Electric Cooperative Co., and Arkansas Valley Electric Cooperative Corp.; Application for Transfer of License (Major)

October 24, 1985.

Take notice that Arkansas Electric Cooperative Corporation (AECC) and Arkansas Valley Electric Cooperative Corporation (AVECC), joint Licensees for the Arkansas River Lock and Dam No. 13, FERC No. 3043, have requested that AECC be made sole Licensee for Project No. 3043.

The license was issued on October 18, 1983. Article 39 of the license requires the Licensee to start construction of the protect within 2 years from the date of issuance of the license and to complete construction within 5 years of that date. The project is located on the Arkansas River in Crawford County, Arkansas. Construction of the project is scheduled to start between October 1 and October 17, 1985.

Comments, Protests, or Motions to Intervene

Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or motions to intervene must be filed on or before December 6, 1985.

Filing and Service of Responsive Documents

Any filings must bear in all capital letters the title "COMMENTS", "PROTEST, OR "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of

the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Fred E. Springer, Director, Division of Project Management, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25695 Filed 10–28–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP86–56–000]

Columbia Gas Transmission Corp., Producer–Supplies; Application

October 24, 1985.

Take notice that on October 21, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, on behalf of Columbia and certain producers (Producers-Suppliers) currently selling gas to Columbia pursuant to Certificates of Public Convenience and Necessity, filed in Docket No. CP86–56–000 an Application to the Federal Energy Regulatory Commission (Commission) pursuant to § 2.77 of the Commission's Regulations and section 7(b) of the Natural Gas Act, as amended. This Application sought expedited limited-term producer abandonment of certificated sales to Columbia of all section 102(d) and pre-NGPA Section 108 natural gas which has previously been sold under Columbia's Special Marketing Program (SMP), and for limited-term certificate authority to sell such gas to third parties.

Columbia notes that Order No. 436, issued October 9, 1985, in Docket No. RM85–1–000, provides Columbia with the requisite authority to transport all gas which has previously been released and sold under Columbia's SMP, but does not provide the necessary abandonment and certificate authority for producers to sell such gas to third parties. The quantity of such abandonment and certificate authority, on an expedited basis as of November 1, 1985, is therefore requested by Columbia in this application.

Columbia states that the Applicants believe that the authority sought is consistent with § 2.77 of the Commission's Regulations:

1. The section 102(d) and pre-NGPA section 108 natural gas which is the subject of this application is gas which has been previously involved in release and spot-market sales.

2. Columbia and other pipelines have received significant take-or-pay relief through the release and spot-market sale of this gas.

3. All of the gas in issue is eligible for NGPA ceiling prices which exceed market levels.

4. The abandonment and certificate authority requested herein could be conditioned to require all pipelines which transport such gas to accept the non-discriminatory transportation condition contained in Order No. 436.

Columbia states that the Applicants seek expedited consideration prior to the October 31, 1985 expiration of present authorization. In that regard, Applicants urge the Commission to immediately issue a temporary certificate pending full review of this application for the following reasons:

1. The gas in issue is currently flowing in release and spot-market sale programs.

2. Columbia's customers are depending on supplies via these programs.

3. Columbia's Producer-Suppliers are also depending on the continuation of these programs.

4. Columbia and Producer-Suppliers seek to avoid even the briefest interruption in these programs which would result in shut-in gas supplies and increased take-or-pay exposure to Columbia.

Columbia states that § 2.77 of the Commission's Regulations, promulgated in Docket No. RM85–1–000, recognizes the need for prompt regulatory approval for the release and sale of certain gas supplies and targets certain applications for expedited treatment: "those for gas which had limited term abandonment and certificate authority under transportation arrangements that existed prior to the effective date of this rule; and those whose terms include take-or-pay relief." This application, states Columbia, thus qualifies for the expedited consideration under § 2.77.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25696 Filed 10–28–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI86–22–000]

Fina Oil & Chemical Co., et. al.; Application for Blanket Certificate of Public Convenience and Necessity and for an Order Permitting and Approving Abandoment and Pre-granted Abandonment

October 24, 1985.

Take notice that on October 17, 1985, Fina Oil and Chemical Company ("FOC"), Petrofina Delaware Incorporated ("PDI") and Fina Oil & Gas Inc. ("FOG") (any or all of whom may be referred to herein as "Fina") filed an Application pursuant to sections 4 and 7 of the Natural Gas Act ("NGA"), and the provisions of 18 CFR Parts 154 and 157, seeking a blanket certificate of public convenience and necessity: (1) Authorizing sales for resale of natural gas in interstate commerce by Fina and by reseller/agents who purchase gas from Fina for resale under this proposed program; (2) authorizing blanket partial blanket abandonment and pre-granted abandonment of certain sales as described in the Application; (3) authorizing transportation, as necessary, under section 7(c) of the NGA for interstate pipelines; (4) authorizing pre-granted abandonment of such trasnportation by interstate pipelines; and (5) authorizing transportation of the subject gas by intrastate and Hinshaw pipelines, all as more fully-described in the Application which is on file with the Commission and open for public inspection. The Application also requests that said blanket authorization be made effective on or before November 1, 1985.

Applicant states that the blanket authority requested is consistent with

the Commission's rules and regulations and is necessary to be compatible with the spot market.

Specifically, Fina requests that the Commission authorize it, effective on or before November 1, 1985: (1) To make sales for resale in intertate commerce of natural gas for which the maximum lawful price is higher than the NGPA section 109 price; (2) to temporarily abandon sales for resale of natural gas for which the maximum lawful price is higher than the section 109 price and previously certificated by the Commission, to the extent that such gas is released by interstate, intrastate or "Hinshaw" pipelines or local distribution companies for resale on the spot market; (3) to abandon (pre-granted abandonment) any sale or resale in interstate commerce authorized pursuant to the blanket certificate issued herein; (4) to have any such gas transported in interstate commerce on a self-implementing basis, by any transporter to any purchaser of such gas; (5) to have natural gas which is no longer subject to the Commission's NGA authority transported to purchasers and end-users; and (6) to abandon (Pre-granted abandonment) such transportation. In addition, Fina requests that certain market restrictions currrently applicable to existing special marketing programs, not apply to the instant authorization.

Fina is requesting the authorization described only to the extent that such authorization is not included in Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, Order No. 436, Docket No. RM85–1–000, 33 F.E.R.C. (CCH) ¶ 61,007 (1985) or in the event that Order No. 436 is stated or not in effect on November 1, 1985.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25697 Filed 10–28–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. C186–27–000]

Transco Energy Marketing Co.; Application

October 24, 1985.

Take notice that on October 18, 1985, Transco Energy Marketing Company (TEMCO), P.O. Box 1396, Houston, Texas 77251 filed an Application requesting that the Commission issue a blanket certificate of public convenience and necessity, effective on or before November 1, 1985; (1) To make sales for resale in interstate commerce of natural gas not removed (by section 601 of the NGPA) form the Commission's NGA jurisdiction for which the maximum lawful price is higher than the section 109 price; (2) for producers to temporarily abandon sales for resale of NGA gas for which the maximum lawful price is higher than the section 109 price and which were previously certificated by the Commission, to the extent that such gas is released by interstate, intrastate or Hinshaw pipelines and local distribution companies, to producers for resale in the spot market, by TEMCO or by such producers through TEMCO acting as their agent; (3) for TEMCO and participating producers to abandon (pre-granted abandonment) any sale for resale in interstate commerce authorized pursuant to the blanket certificate issued herein; (4) for any willing transporter to transport NGA and non-NGA gas in interstate commerce, on a self-implementing basis and without source or recipient limitations, to TEMCO's customers; and (5) for any transporter to abandon (pre-granted abandonment) such transportation. In addition, TEMCO requests that in its order the Commission expressly find that with respect to TEMCO and its operations, the Commission's NGA jurisdiction is limited to the specific non-exempt activities for which TEMCO is seeking authorization herein. Finally, TEMCO is requesting the authorizations described herein only to the extent that any element of such authorizations is not otherwise made effective on or before November 1, 1985, as a result of Commission action in any other proceeding.

TEMCO states that the results of special marketing programs to date amply demonstrate the beneficial impact of such programs on all segments of the industry. In addition, TEMCO states that the authorizations applied for in its Application are consistent with the Commission's goals as set forth in the Final Rule in the proceeding titled "Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol," Docket No. RM85–1–000 (Order No. 436) and are critical to the continuing success of the spot market. Without such authorizations, TEMCO states that it will be precluded from effectively, efficiently and fully participating in the spot market as of November 1, 1985.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25698 Filed 10–28–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI86–26–000]

Yankee Resources, Inc.; Application for Blanket Certificate of Public Convenience and Necessity; Approval and Pregranted Abandonment of Certain Sales; and Declaration of Limited Jurisdiction

October 24, 1985.

Take notice that on October 17, 1985, Yankee Resources, Inc. ("Yankee") 425 Metro Place North, Suite 400, Dublin, Ohio 43017, filed an application

pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717c, 717f, and the provision of 18 CFR Parts 157 and 284, for a blanket certificate of public convenience and necessity authorizing Yankee to conduct a spot sales marketing program, hereinafter referred to as Yankee Exchange Service-PLUS ("YES-PLUS"), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Approval would (1) permit abandonment of certain committed or dedicated natural gas sales; (2) authorize the sale of natural gas for resale with pregranted abandonment in interstate commerce. Yankee also requests the Commission to declare that, with respect to Yankee, the Commission will only assert Natural Gas Act jurisdiction over sales for resale hereunder not otherwise exempt from the NGA.

Under YES-PLUS, Yankee proposes to sell on a spot basis natural gas subject to ceiling prices above section 109 rate under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432. Both contractually committed and uncommitted gas will be sold. Yankee and participating producers will seek any necessary releases from existing purchasers in order to be able to make such gas available to meet market demand for spot sales. Arrangements for transporting the released gas will be made on a case-by-case basis under available transportation programs, including programs adopted by the Commission in its recent Order 436.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kennety F. Plumb,

Secretary.

[FR Doc. 85–25699 Filed 10–28–85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85–882–000, et al.]

Freeport Pipeline Company, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Freeport Pipeline Co.

[Docket No. CP85–882–000]

October 21, 1985.

Take notice that on September 12, 1985, Freeport Pipeline Company (Freeport Pipeline), P.O. Box 61520, New Orleans, Louisiana 70161, filed in Docket No. CP85–882–000 an application pursuant to §284.127 of the Commission's Regulations for authorization to transport natural gas for Freeport Interstate Pipeline Company (Freeport Interstate), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Freeport Pipeline states that it has entered into a transportation agreement dated August 1, 1985, with Freeport Interstate, whereby Freeport Pipeline would transport up to 300 million Btu's of natural gas per day for Freeport Interstate. It is further stated that Freeport Interstate would cause the natural gas to be delivered to Freeport Pipeline at the interconnection of Freeport Pipeline's facilities with the facilities of another intrastate pipeline, Louisiana Intrastate Gas Corporation (LIG), which interconnection is located in Jefferson Parish, Louisiana. Freeport Pipeline would redeliver equivalent volumes to Freeport Interstate at the interconnection of Freeport Pipeline's and Freeport Interstate's facilities located at Grand Isle, Jefferson Parish, Louisiana.

Freeport Pipeline states that the transportation agreement between it and Freeport Interstate would become effective and binding upon receipt by the parties and acceptance of the required governmental approvals and would remain in force and effect until April 30, 1987; provided, however, that if the transportation contract between Freeport Sulphur Company (Freeport Sulphur) and Freeport Interstate dated August 1, 1985, should terminate prior to Apri 30, 1987, then the transportation agreement between Freeport Pipeline and Freeport Interstate would terminate contemporaneously therewith. It is explained that the aforesaid contract between Freeport Sulphur and Freeport Interstate is the subject of a related filing which is being made concurrently herewith by Freeport Interstate and provides for the transportation from Grand Isle, Louisiana, to Freeport Sulphur's offshore sulphur mine located in the federal domain at Grand Isle Block 17 in the Gulf of Mexico (Caminada Mine), through the facilities of Freeport Interstate, of the gas which Freeport Pipeline seeks authorization hereby to redeliver to Freeport Interstate at Grand Isle. Freeport Pipeline states that it has agreed to provide the transportation service, which is the subject of this application, free of charge to Freeport Interstate, and the trasnportation agreement between Freeport Pipeline and Freeport Interstate contains a statement that such agreement is subject to the provisions of Subpart C of Part 284 of the Commission's Regulations.

Comment date: November 8, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Arkla Energy Resources, a Division of Arkla, Inc.

[Docket No. CP85–897–000]

October 22, 1985.

Take notice that on September 23, 1985, Arkla Energy Resources, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP85–897–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap and related facilities to accommodate natural gas deliveries to six domestic customers and one small industrial customer, served by Arkansas Louisiana Gas Company, a division of Arkle, Inc. (ALGC), under the certificate issued in Docket Nos. CP82–384–000 and CP82–384–001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that the tap would be located on Arkla's Line BM–21 in Faulkner County, Arkansas, and would provide for an estimated total estimated volume of 61,600 Mcf. Arkla indicates that the gas would be delivered from its general system supply, which is adequate to provide the service. Arkla also states that gas sold would be billed at ALG's regular retail rates applicable to its presently effective Rate Schedule No. 1-Residential and Rate Schedule No. 3-Industrial. Cost to construct the tap is estimated to be $29,468.

Comment date: December 6, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Freeport Interstate Pipeline Co.

[Docket No. CP85–874–000]

October 21, 1985.

Take notice that on September 12, 1985, Freeport Interstate Pipeline Company (Freeport Interstate), Post Office Box 61520, New Orleans, Louisiana 70161, filed in Docket No. CP85–874–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Freeport Interstate to acquire and operate facilities for the transportation of natural gas for Freeport Sulphur Company (Freeport Sulphur), a Division of Freeport Minerals Company (Freeport Minerals), and authorizing the transportation of natural gas through such facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Freeport Interstate states that it seeks to acquire (at a cost which would not exceed $110,250.00), own and operate a pipeline presently owned by Freeport Minerals which is approximately 9 miles it length, running from onshore Grand Isle, Louisiana, to Freeport Sulphur's sulphur mine located in the Federal domain at Grand Isle Block 17 in the Gulf of Mexico (the Caminada Mine). Freeport Interstate further states that the pipeline was originally constructed to carry fresh water from the mainland to the Caminada Mine but has been converted to permit its use as a natural gas pipeline.

Freeport Interstate states that pursuant to a gas transportation agreement between Freeport Interstate and Freeport Sulphur dated August 1, 1985, Freeport Interstate would receive natural gas produced onshore Louisiana in the East Lake Sand Field, St. Mary Parish, Louisiana, from FMP Operating Company (FMP) and transport such gas to the Caminada Mine. It is further stated that the natural gas to be transported pursuant to such agreement would be purchased by Freeport Sulphur from FMP pursuant to a contract dated August 1, 1985, providing for a daily contract quantity not to exceed 300 million Btu of natural gas. Freeport Interstate indicates that the natural gas purchase contract between Freeport Sulphur and FMP would remain in force and effect until April 30, 1986, and month-to-month thereafter.

Freeport Interstate indicates that in order to transport to Caminada Mine the natural gas to be purchased by Freeport Sulphur from FMP, Freeport Sulphur has for such purposes entered into a transportation agreement with Freeport Interstate dated June 1, 1985, the performance of which necessitates that it enter into transportation agreements with two intrastate pipeline companies. Freeport Interstate further indicates that it has contracted with Louisiana Intrastate Gas Corporation (LIG) by agreement dated August 1, 1985, to transport up to 300 million Btu of natural gas on behalf of Freeport Interstate from the East Lake Sand Field in St. Mary Parish, Louisiana, to an interconnection point on the LIG system with the facilities of another intrastate pipeline, Freeport Pipeline Company (Freeport Pipeline), in Jefferson Parish, Louisiana. It is stated that by agreement dated August 1, 1985, Freeport Pipeline has agreed to transport the natural gas on Freeport Interstate's behalf from the LIG-Freeport Pipeline interconnection point in Jefferson Parish to Freeport Sulphur's Ground Isle base facility at Grand Isle, Jefferson Parish, Louisiana, where the Freeport Pipeline facilities would interconnect with Freeport Interstate's Caminada pipeline. Freeport Interstate would then transport the natural gas through the Caminada pipeline.

Freeport Interstate states that production operations at the Caminada Mine were indefinitely suspended in March 1969 as the result of the failure of a liquid sulphur line and a condition of oversupply in the sulphur market at that time. Freeport Interstate states that the mine has been maintained in a shutdown status since March 1969 but that Freeport Sulphur has recently initiated planning measures incident to a proposed resumption of sulphur production at Caminada Mine on or about December 1986. It is stated that Freeport Sulphur has found it necessary to enter into the above-mentioned short-term gas supply arrangement with FMP for its caretaker and pre-production sulphur well drilling requirements at Caminada Mine while negotiations proceed with various potential sources for an adequate long-term production supply.

Freeport Interstate states that the Caminada Mine has been without a gas supply since late July 1984 and asserts that unless operation of its gas turbine generator, air compressors, seawater pump system, and auxiliary equipment is resumed at the earliest possible time, substantial deterioration would occur which could result in replacement or repair costs ranging up to several millions of dollars. It is further asserted that if production at Caminada Mine is to be resumed by December 1986 it is imperative that sulphur well drilling commence by October 15, 1985.

Freeport Interstate also requests authorization to file the Freeport Interstate-Freeport Sulphur transportation agreement as a special rate schedule in lieu of a separate tariff and states that such agreement includes provision for a monthly charge to permit recovery by Freeport Interstate of the cost of acquiring the pipeline and reimbursement by Freeport Sulphur to Freeport Interstate of the 29.8¢ per million Btu transportation rate payable by Freeport Interstate to LIG under the Freeport Interstate-LIG transportation agreement. It is stated that Freeport Pipeline would transport the gas for Freeport Interstate without charge.

It is stated that Freeport Minerals would transfer the facilities as a contribution of capital to Freeport-McMoRan, Inc., which would in turn transfer the facilities to Freeport Interstate in exchange for all of Freeport Interstate's capital stock.

Comment date: November 8, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. National Fuel Gas Supply Corp.

[Docket No. CP85–922–000]

October 23, 1985.

Take notice that on September 30, 1985, National Fuel Gas Supply Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP85–922–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap and related facilities necessary to enable National to deliver gas to its affiliate, National Fuel Gas Distribution Corporation (Distribution), under the certificate issued in Docket No. CP83–4–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

National proposes to construct and operate a sales tap on its Line T–28 in Clarion County, Pennsylvania, to connect to Distribution's Clarion City plant line and deliver up to 140 Mcf of natural gas per day to Distribution.

National states that the tap would serve as a supplemental feed to customers during the winter months. National states further that the proposed deliveries would serve existing markets and would have no impact on its peak day and annual deliveries.

Comment date: December 9, 1985, in accordance with Standard Paragraph G at the end of this notice.

5. Northwest Central Pipeline Corp.

[Docket No. CP86–11–000]

October 22, 1985.

Take notice that on October 4, 1985, Northwest Central Pipeline Corporation (Applicant), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP86–11–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new delivery point for the sale and delivery of natural gas to The Kansas Power and Light Company (KPL Gas Service) in Reno County, Kansas, under the certificate issued in Docket No. CP82–479–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a new delivery point to KPL Gas Service, an existing customer, for the sale of natural gas to a new subdivision in Reno County, Kansas. Applicant states that the projected volume of gas to be delivered through the proposed facilities would be 191 Mcf on a peak day in the first year of service, increasing to 1,466 Mcf per day in the fifth year. The estimated cost of the proposed facilities is $34,286, which would be paid from treasury cash, it is explained.

Applicant indicates that the proposed new delivery point is not prohibited by an existing tariff and that it has sufficient capacity to render this service without detriment or disadvantage to its other customers.

Comment date: December 6, 1985, in accordance with Standard Paragraph G at the end of this notice.

6. Northwest Central Pipeline Corp.

[Docket No. CP85–906–000]

October 22, 1985.

Take notice that on September 24, 1985, Northwest Central Pipeline Corporation (Northwest Central) P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP85–906–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new delivery point in Joplin, Missouri, for the sale and delivery of natural gas to the Kansas Power & Light Company (KPL) under the certificate issued in Docket No. CP82–479–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest Central proposes to tap its 20-inch pipeline in Newton County, Missouri, and construct and operate measuring, regulating, and appurtenant facilities to serve as an additional delivery point of natural gas to XPL for resale and distribution to its customers in and around Joplin, Missouri. Northwest Central states KPL has requested this additional point in order better to serve the area and to make a sale of gas to a waste water disposal plant. Northwest Central proposes to deliver 247 Mcf per year through these facilities with a maximum peak load of 5.4 Mcf per day the first year and increasing to 7,121 Mcf per year with a maximum peak load of 44 per day by the fifth year. The estimated cost of these facilities is $6,667, which Northwest Central proposes to pay from treasury cash.

Northwest Central states that this change is not prohibited by its tariff and it has sufficient capacity to accomplish the deliveries without detriment or disadvantge to its other customers. Northwest Central asserts the additional volumes to be provided through the proposed new point of delivery are within its currently authorized level of sales.

Comment date: December 6, 1985, in accordance with Standard Paragraph G at the end of this noitice.

7. Southern Natural Gas Co.

[Docket No. CP86–15–000]

October 22, 1985.

Take notice that on October 7, 1985, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP86–15–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas for a shipper, acting as agent for a qualified end-user, under Southern's certificate issued in Docket No. CP82–406–000, all as is more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern states that Owens-Illinois, Inc. (end-user) has entered into a gas sales contract with SNG Trading Inc. (Seller) dated August 1, 1985, to acquire natural gas. It is explained that in order to effectuate delivery of the gas purchased, end-user entered into an agreement with Atlanta Gas Light Company (shipper) dated August 1, 1985, wherein shipper agreed to transport through its facilities the gas purchased by end-user to its plants in Atlanta, Georgia, and to act as agent for end-user. Southern states that shipper has therefore, acting as agent for end-user, entered into a service agreement-industrial service transportation (agreement) with Southern dated August 1, 1985. Southern explains that the agreement provides that shipper would cause Seller to deliver up to 5.5 billion Btu of gas per day to Southern for end-user's account at

(a) The inlet of Southern's pipeline facilities located at the outlet of the Amoco treatment plant in the Lockhart Crossing field, Livingston Parish, Louisiana; and

(b) The inlet of Southern's measurement facilities located at mile post 0.00 on its Lockhart Crossing field pipeline in Livingston Parish, Louisiana.

It is stated that Southern would deliver the gas to United Gas Pipe Line Company (United) for shipper's account at the existing point of interconnection between the pipeline facilities of Southern and those of United located in the vicinity of Southern's Shadyside compressor station in St. Mary Parish, Louisiana. Southern states that United would redeliver the gas to Southern for shipper's account at the existing point of interconnection between Southern's Lockhart Crossing field pipeline and United's 30-inch Kosciusko line in Livingston Parish, Louisiana. It is stated that Southern would redeliver the gas to shipper for end-user's account on an interruptible basis at Southern's existing measurement station known as Benn Hill, Fulton County, Georgia. Shipper would then transport and redeliver the volumes to end-user at its plant in Macon, Georgia. It is stated that end-user would use the gas for essential agricultural use and other industrial, non-boiler fuel uses.

Southern states it would charge shipper according to its currently effective Rate Schedule T–IS which was approved by order of the Commission dated July 9, 1985, in Docket No. CP84–342–000 and that the transportation service commenced on August 1, 1985, pursuant to § 157.209 for a term of 120 days. Southern seeks authorization to transport natural gas for shipper, as agent for end-user, for a period ending the earlier of (i) July 31, 1986; (ii) termination of authorization as provided by Subpart F of Part 157 of the Commission's Regulations; or (iii) termination of the agreement by either party. Southern states that it would not construct any facilities to provide for this service.

Southern also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Southern will file a report

providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase these quantities.

Comment date: December 6, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. Transcontinental Gas Pipe Line Corp.

[Docket No. CP85–921–000]

October 22, 1985.

Take notice that on September 30, 1985, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP85–921–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Conoco Inc., as agent for E.I. duPont de Nemours & Company (duPont), under the certificate issued in Docket No. CP82–426–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transco proposes to transport up to 3,600 dt equivalent of gas per day for use at duPont's Brevard, North Carolina, plant (Brevard plant) for a term expiring October 31, 1985. It is stated that the gas to be transported would be purchased from Brandywine Industrial Gas, Inc., and would be used for boiler fuel and in dow therm vaporizers.

It is indicated that Transco would receive the gas at the Conoco Acadia gas plant at Egan, Acadia Parish, Louisiana, and would redeliver, on an interruptible basis, equivalent quantities (less quantities retained for compressor fuel and line loss make-up) to existing points of delivery to Public Service Company of North Carolina (Public Service). In turn, Public Service would redeliver such gas to the Brevard plant.

Transco further states that it would charge duPont the currently applicable transportation rate in accordance with its Rate Schedule T–II, FERC Gas Tariff, Second Revised Volume No. 1, which is currently 42.01 cents per dt. Also, Transco states that it would require that duPont periodically provide Transco with affidavits which state that the subject transportation is not displacing sales which Transco would otherwise make under any of its firm sales rate schedules.

Transco also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply not to delivery points in the market area. Transco will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: December 6, 1985, in accordance with Standard Paragraph G at the end of this notice.

9. Transcontinental Gas Pipe Line Corp.

[Docket No. CP86–16–000]

October 22, 1985.

Take notice that on October 7, 1985, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86–16–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Owens-Corning Fiberglas Corporation (Owens-Corning) under the certificate issued in Docket No. CP82–426–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Transco proposes to transport up to 750 equivalent dt of natural gas per day for use at Owens-Corning's plant in Atlanta, Georgia (Trumble asphalt plant), for a term expiring October 31, 1985. It is stated that the natural gas to be transported would be purchased from Texas Southern Pipeline, Inc., and would be used as boiler fuel and in asphalt heaters. It is indicated that Transco would receive the gas at the existing points of receipt at Transco's meter numbers 2667 and 2778 in the North Sabine Lake field Cameron Parish, Louisiana, and would redeliver, on an interruptible basis, equivalent quantities (less quantities retained for compressor fuel and line loss make-up) to existing points of delivery with Atlanta Gas Light Company (Atlanta Gas Light). It is further indicated that Atlanta Gas Light would then redeliver such natural gas to the Trumble asphalt plant.

Transco states that it would charge Owens-Corning the applicable transportation rate in accordance with its Rate Schedule T–II, FERC Gas Tariff, Second Revised Volume No. 1, which is currently 40.31 cents per dt equivalent of gas. In addition, Transco states it would apply its current transportation policy to the proposed transportation which requires that Owens-Corning periodically provide Transco with affidavits which state that the transportation is not displacing sales which Transco would otherwise make under any of its firm sales rate schedules.

Transco also requests flexible authority to add or delete receipt/delivery points associated with sources of natural gas acquired by Owens-Corning. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Transco would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of natural gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: December 6, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–25702 Filed 10–28–85; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OW–FRL–2916–5]

National Drinking Water Advisory Council; Request for Nomination of Members

The Environmental Protection Agency (EPA) invites all interested persons to nominate qualified individuals to serve as members of the National Drinking Water Advisory Council. This Advisory Council was established to provide advice, consultation and recommendations to the Agency on the activities, functions and policies relating to the implementation of the Safe Drinking Water Act as amended, which became effective December 16, 1974. The Charter for this Advisory Committee is reproduced below.

Any interested person or organization may nominate qualified persons for membership. Nominees should be identified by name, occupation, position, address, and telephone number. Nominations should include a resume of the nominee's background, experience and qualifications.

This request for nominations does not imply any commitment by the Agency as to the procedure to be followed in making selections.

Persons selected for membership will receive per diem compensation for travel and nominal daily compensation while attending meetings.

Nominations should be submitted to Charlene E. Shaw, Program Coordinator, Office of Drinking Water (WH–550), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, no later than November 30, 1985. The Agency will not formally acknowledge or respond to nominations.

For Further Information Contact: Charlene Shaw at (202) 382–5533.

Dated: October 3, 1985.

Arnold M. Kuzmack,

Acting Director, Office of Drinking Water.

National Drinking Water Advisory Council

1. *Purpose.* This Charter is reissued for the National Drinking Water Advisory Council in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (App. I) 9(c).

2. *Authority.* The Council was created on December 16, 1974, under the Safe Drinking Water Act of 1974, Pub. L. 95–523, 42 U.S. 300j–5 and the charter was renewed on December 23, 1976, December 1, 1978, November 7, 1980 and November 29, 1982.

3. *Objective and scope of activity.* The Council advises, consults with, and makes recommendations on a continuing basis to the Administrator, through the Assistant Administrator for Water, on matters relating to activities, functions, and policies of the Agency under the Safe Drinking Water Act.

4. *Functions.* The Council provides practical and independent advice to the Agency on matters and policies relating to drinking water quality and hygiene, and maintains an awareness of developing issues and problems in the drinking water area. It reviews and advises the Administrator on regulations and guidelines that are required by the Safe Drinking Water Act; makes recommendations concerning necessary special studies and research; recommends policies with respect to the promulgation of drinking water standards; assists in identifying emerging environmental or health problems related to potentially hazardous constituents in drinking water; and proposes actions to encourage cooperation and communication between the Agency and other governmental agencies, interested groups, the general public, and technical associations and organizations on drinking water quality.

5. *Composition and meetings.* The Council consists of fifteen members including a Chairperson, appointed by the Deputy Administrator after consultation with the Secretary, Department of Health and Human Services. Five members shall be appointed from the general public; five members shall be appointed from appropriate State and local agencies concerned with water hygiene and public water supply; and five members shall be appointed from representatives of private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. Except as provided in Section 1446 of the Safe Drinking Water Act, each member of the Council will hold office for a term of three years and will be eligible for reappointment. The Council is authorized to form Subcommittees to consider specific matters and report back to the full Council. Such subcommittees shall consist of the members of the Council. Meetings will be held as necessary and convened by the Assistant Administrator for Water. A full-time salaried officer or employee of EPA will be designated as the Executive Secretary. Each meeting will be conducted in accordance with an agenda approved in advance of the meeting by the designated Agency official. The Executive Secretary will be present at all meetings and is authorized to adjourn any meeting whenever it is determined to be in the public interest. The estimated annual operating cost of the Council is approximately $60,000, which includes .75 work-year of staff support. The Office of Water will provide the necessary staff and support of the Council.

6. *Duration.* As provided in the Safe Drinking Water Act, "Section 14(a) of the Federal Advisory Committee Act (relating to termination) shall not apply to the Council." However, the Charter is subject to the renewal process upon the expiration of each successive two-year period following the date of enactment of the Act establishing this Council.

7. *Supersession.* The former National Drinking Water Advisory Council charter signed on November 29, 1982, is hereby superseded.

Approval Date: November 16, 1984.

Date Filed With Congress, December 7, 1984.

Alvin L. Alm,

Deputy Administrator.

[FR Doc. 85–25793 Filed 10–28–85; 8:45 am]

BILLING CODE 6560–50–M

[SAB-FRL-2916-6]

Science Advisory Board, Environmental Health Committee, Research Subcommittee, Open Meeting

Under Pub. L. 92–463, notice is hereby given that the Extrapolation Modeling Research Review Subcommittee of the Science Advisory Board will meet on November 19–20, 1985, in Class Room Number One, Environmental Research Center, U.S. EPA, Alexander Drive and Highway 54, Research Triangle Park, NC 27711. The purpose of the meeting will be to review research conducted by EPA's Office of Research and Development in support of extrapolation models. Prior to the meeting, for information on the research program and projects to be reviewed, please contact Dr. Frederick Miller by phone at (913) 541–2531 or by mail to: Health Effects Research Laboratory [MD–82], U.S. EPA, Research Triangle Park, NC 27711.

The meeting will be open to the public. It will begin at 9:00 a.m. on November 19, 1985, and adjourn no later than 1:30 p.m. on November 20, 1985. Any member of the public wishing to attend or to obtain further information, should contact either Dr. Daniel Byrd, Executive Secretary to the Subcommittee, or Mrs. Brenda Johnson, by telephone at (202) 382–2552 or by mail to: Science Advisory Board [A–101F], U.S. EPA, 401 M Street, SW., Washington, DC 20460, no later than c.o.b. November 15, 1985.

Dated: October 22, 1985.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 85–25792 Filed 10–28–85; 8:45 am]

BILLING CODE 6560–50–M

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Meeting of the Advisory Committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by Pub. L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

Time and place: Friday, November 13, 1985 from 9:30 a.m. to 12 noon. The meeting will be held in Room 1141, 811 Vermont Avenue, NW., Washington, DC 20571.

Agenda: The meeting agenda will include discussion of the financial report covering FY 1985, the status of the Eximbank budget, legislation involving the proposed tied-aid credit program, the development of comments by the Advisory Committee on small business ratios and key linkage industry activity which will be included in Eximbank's FY 1985 Annual Report, and Eximbank's programs and policies in general.

Public participation: The meeting will be open to public participation; and the last 20 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Joan P. Harris, Room 935, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–8871, not later than November 6, 1985.

FOR FURTHER INFORMATION CONTACT: Joan P. Harris, Room 935, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–8871.

Hart Fessenden,

General Counsel.

[FR Doc. 85–25762 Filed 10–28–85; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

Lancaster Radio Paging, Inc., et. al.; Hearing Designation Order

In re Applications of:

Lancaster Radio Paging, Inc.: For authorization to establish two-way facilities to operate on frequency 454.550 MHz in the Public Land Mobile Service at Cornwall, Pennsylvania.	CC Docket No. 85–314; File No. 21318–CD–P/L–85.
William R. Nesbit d/b/a Keystone Communications: For authorization to establish two-way facilities to operate on frequency 454.550 MHz in the Public Land Mobile Service at Northumberland and New Berlin, Pennsylvania.	File No. 22512–CD–P/L–3–85.
Richard F. Byler d/b/a Lebanon Mobilfone: For authorization to establish two-way facilities to operate on frequency 454.550 MHz in the Public Land Mobile Service at Lebanon, Pennsylvania.	File No. 22756–CD–P/L–1–85.
Professional Communications, Inc.: For authorization to establish two-way facilities to operate on frequency 454.550 MHz in the Public Land Mobile Service at Harrisburg, Pennsylvania.	File No. 22757–CD–P/L–A–85.

Order Setting Aside Previous Memorandum Opinion and Order and Designating Applications for Hearing

Adopted October 16, 1985.

Released October 23, 1985.

By the Common Carrier Bureau.

1. On December 28, 1984, Lancaster Radio Paging, Inc. (Lancaster) filed an application for authorization to establish an additional facility to operate on frequency 454.550 MHz at Cornwall, Pennsylvania. This application was accepted for filing on February 6, 1985, and subsequently William R. Nesbit d/b/a Keystone Communications (Keystone), Richard F. Blyler d/b/a Lebanon Mobilfone (Lebanon) and Professional Communications, Inc. (Professional) timely filed mutually exclusive applications. On August 23, 1985, the Commission announced that Keystone, Lebanon, and Professional would be selected by a lottery and Lancaster was added by a public notice issued September 11, 1985. Lancaster filed a Petition for Designation of Hearing on September 23, 1985. Lebanon subsequently filed an Opposition and Motion to Strike the public need statement.

2. *Order Set Aside.* On September 27, 1985, the Mobile Services Division issued a *Memorandum Opinion and Order* denying Lancaster's Petition for Designation of Hearing as untimely filed. On October 4, 1985, Lancaster filed a Petition for Reconsideration of this decision. Lancaster argues that its request for a designation of hearing was timely filed and should have been evaluated on its merits. We agree. Lancaster's petition was, in fact, filed within the 30-day period prescribed by § 22.33 because it was first listed as a mutually exclusive application on our September 11, 1985, *Addendum to Public Mobile Service Lottery Notice.* Further, the petition justified the request for hearing by showing a co-channel station within 40 miles and providing an adequate public need statement, *Random Selection Lotteries,* Gen. Docket No. 81–768, 93 FCC 2d 952 (1983), *recon. granted in part,* FCC 84–596, released December 4, 1984. We reject Lebanon's Motion to Strike Lancaster's showing of public need. This showing was specifically required by § 22.33(c) of the Commission's rules to support its request for a comparative hearing. It was not merely added to satisfy the traffic load study requirements of § 22.516. Accordingly, the Lancaster's Petition for Designation of Hearing was improperly denied, and the denial will be set aside.

3. *Petition to Deny.* On March 8, 1985, Lebanon filed a Petition to Dismiss or Deny Lancaster's application. Lebanon contends that Lancaster's application is defective because it does not include a traffic load study of its existing facility as required by § 22.516(a)(2) of the Commission's rules. In support of its contention, Lebanon includes an engineering statement that demonstrates that the reliable service area contour of the proposed facility will overlap by more than 50% of the reliable service area contours of the existing facilities. Lancaster's opposition asserts that Lebanon has misinterpreted § 22.16(b)(2) of the Commission's rules and that it was not necessary to incorporate a traffic load study. Lancaster submits an engineering statement in support of its argument to the effect that only 40.7% of its proposed coverage area overlaps its existing coverage area. Lancaster also argues that its application seeks to provide service to a major market area, Lancaster, not included within its existing contour. Finally, Lancaster asks the Commission to decide if Lebanon should be sanctioned because its petition was filed to delay, impede, or otherwise obstruct the proceeding of its application. We find no merit to this contention.

4. Section 22.16(b)(2) of the Commission's rules provides that "Applications are considered to be requesting initial channels if less than 50% of the proposed reliable service area contour overlaps an existing contour." An examination of Lancaster's application indicated that its proposal is in compliance with this provision. Though more than 50% of the existing service area is overlapped by the proposed area, less than 50% of the proposed new area overlaps the existing service area.

5. *Designation Order.* After careful examination of the applications and the pleadings, we find the applications filed by Lancaster, Keystone, Lebanon, and Professional were timely filed and that all of the applicants are legally, technically, and otherwise qualified to construct and operate the proposed facilities. Further, we find that these applications are electrically mutually exclusive and should be designated for comparative hearing to determine which applicant would better serve the public interest.

6. Accordingly, it is ordered, pursuant to § 1.113 of the Commission's rules, That the Bureau's denial of the Petition for Designation of Hearing filed by Lancaster Radio Paging, Inc. IS SET ASIDE.

7. Further, it is ordered, That the Petition to Deny and Motion to Strike filed by Richard F. Blyer d/b/a Lebanon Mobilfone ARE DENIED.

8. Further, it is ordered, that the applications of Lancaster Radio Paging, Inc. (File No. 21318–CD–P/L–1–85), William R. Nesbit d/b/a Keystone Communications (File No. 22512–CD–P/L–3–85), Richard F. Blyer d/b/a Lebanon Mobilfone (File No. 22756–CD–P/L–1–85), and Professional Communications (File No. 22757–CD–P/L–2–85) to operate on frequency 454.550 MHz ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING pursuant to section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free ara within the 39 dBu contours,[1] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[2] and to determine and compare the relative demand for the proposed services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the reference applications would best serve the public interest convenience, and necessity.

9. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

10. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

11. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221 of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on that date for a hearing and present evidence in the issues specified in the Memorandum Opinion and Order.

12. This order is issued under § 0.291 of the Commission's Rules and is effective upon its release date. Petitions for reconsideration will not be entertained. See § 1.106(a)(1) of the rules.

Applications for review will be entertained pursuant to § 1.115(e)(3). See also § 1.4(b)(2).

13. The Secretary shall cause a copy of this order to be published in the Federal Register.

Michael Deuel Sullivan,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 85–25680 Filed 10–28–85; 8:45 am]

BILLING CODE 6712–01–M

[1] For the purpose of this proceeding, the interference-free area is defined as the area within the 39 dBu contour as calculated from § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R–6404, equation 8.

[2] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

Mobilfone Communications et al; Hearing Designation Order

In re Applications of:

Otis L. Hale d/b/a/ Mobilfone Communications:	
For renewal of license of Station KLB500 authorized to operate on frequencies 152.03, 152.09, 152.18, and 152.21 MHz in the Public Land Mobile Service at Little Rock, Arkansas.	CC Docket No. 82–15; File No. 23697–CD–R–79.
For renewal of license of Station KQZ752 authorized to operate on frequencies 152.24 and 158.70 MHz in the Public Land Mobile Service at Little Rock, Arkansas.	CC Docket NO. 82–16; File No. 23700–CD–R–79.
For consent to assignment of licenses for Public Land Mobile Services Stations KLB500, KQZ752, KXX720, KUD228, KFL633, KUC892, KFL870, KUC893, KFJ890, KFT281 and KSV910, in the State of Arkansas.	File Nos. 21689–CD–AL–1–85, 21690–CD–AL–2–85, 21691–CD–AL–2–85, 21692–CD–AL–2–85, 21693–CD–AL–1–85, 21694–CD–AL–1–85.
For a construction permit for new facilities to operate in the Public Land Mobile Service at West Memphis, Arkansas.	File no. 8942–CD–P–(2)–73.
For a construction permit for a new facility to operate on frequency 152.24 MHz in the Public Land Mobile Service at Russellville, Arkansas.	File No. 22650–CD–P–76.

Order To Show Cause and Memorandum Opinion and Order Designating Applications for Hearing

Adopted October 17, 1985.
Released October 23, 1985.
By the Commission.

1. Before the Commission is a complex parcel of applications and pleadings that have been consolidated here for consideration because they touch upon the common issue of the qualifications of Otis L. Hale d/b/a/Mobilfone Communications (Mobilfone) to remain a Commission licensee. Our disposition of the various applications and pleadings in this proceeding represents the next step towards a final resolution of the question of Mobilfone's basic character qualifications initially raised in *Little Rock Radio Telephone Company, Inc . (Designation Order)*, 89 FCC 2d 400 (1982), *recon. denied sub nom,. Otis L. Hale d/b/l-Mobilfone Communications (Designation Order Reconsideration)*, FCC 83–317, released July 7, 1983.[1] Presently before us are the following: (1) Mobilfone's renewal applications for Station KQZ752 and the VHF facilities of Station KLB500 in Little Rock, Arkansas; (2) three applications for review of actions taken by the Common Carrier Bureau pursuant to delegated authority filed by Little Rock Telephone Company, Inc. (LRRTC) and El Dorado Mobile Telephone Company, Inc. (EDMT); [2] (3) Mobilfone's applications for assignment of all its remaining licenses to Dial-A-Page of Little Rock Inc. (DAP); and (4) two pending Mobilfone construction permit applications. After a review of all of the various pleadings that have been filed in these proceedings, we have determined that the three applications for review must be denied. However, as a result of our findings in *Otis L. Hale* that Mobilfone has engaged in serious misconduct, Mobilfone's renewal applications will be designated for hearing. In addition, Mobilfone will be ordered to show cause why its remaining licenses should not be revoked. Finally, Mobilfone's assignment and construction permit applications will also be designated for hearing to consider, if necessary, the effect of the subsequent findings regarding the renewal and revocation issues upon the transferability of Mobilfone's present licenses and upon Mobilfone's qualifications to receive additional construction permits. These renewal, revocation, assignment and construction permit proceedings will be consolidated in a single hearing.

I. Background

2. Mobilfone is currently the licensee of two-way mobile and paging facilities in various communities in Arkansas and is a sole proprietorship owned by Otis L. Hale. Mobilfone began operations at Station KLB500 in Little Rock, Arkansas with two VHF channels in 1966 and added two additional VHF channels in 1970 and 1973. In 1975, Mobilfone's application for four additional UHF channels was routinely granted, and in 1976 a license to cover was issued.

3. Shortly before the grant of the covering license for the additional UHF channels, Mobilfone filed an application for a fifth VHF frequency for Station KLB500. In the application, Mobilfone requested a waiver of the traffic load study requirement for Station KLB500's UHF channels, but represented that the study would be submitted at the Commission's request. In 1977, the Common Carrier Bureau, acting pursuant to delegated authority, denied Mobilfone's waiver request and directed that the traffic load study be submitted. Mobilfone responded that the study would not be forthcoming and requested dismissal of its application. In explanation of its inability to supply the promised study, Mobilfone disclosed that commercial service had never been offered on any of the UHF channels and would not be until the service area was enlarged. Shortly after this admisison, Mobilfone notified the Commission of the temporary discontinuance of operation of two of the four UHF channels. An inspection of the Station KLB500 facilities by a Field Operations Bureau (FOB) engineer, contemporaneous with Mobilfone's notification, disclosed that only two UHF frequencies were physically present, and that even these were not connected to the necessary control circuitry.

4. Early in 1977, while Mobilefone's VHF application and waiver request were still pending, EDMT filed an informal petition to institute an investigation into Mobilfone's operation of its DPLMRS facilities in Arkansas. The petition alleged that Mobilfone mispresented material facts to the Commission on numerous occasions as well as numerous violations of Commission rules in the operation of its facilities. EDMT requested the Commission to issue an order to show cause why Mobilfone's licenses should not be revoked.

5. In 1979, Mobilfone filed renewal applications respecting its Stations KLB500 and KQZ752. LRRTC and Grant County Radio Telephone (Grant), both subsidiaries of MMT, filed applications for new facilities that were mutually exclusive with Mobilfone's renewal applications. In February of 1982, the Commission designated the mutually exclusive applications for a comparative hearing (hereinafter "renewal hearing") and designated an issue to examine whether Mobilfone lacked candor in connection with the operational status of the Station KLB500 UHF channels when it filed its application for the additional VHF channel.[3]

6. In designating Mobilfone's renewal applications, the Commission undertook a *Grayson* inquiry,[4] concluding that Mobilfone should be permitted to sell its "uninvolved" stations without restriction and that the Bureau should routinely process Mobilfone's other nondesignated renewal applications without any special conditions.[5] The *Designation Order* reserved the Commission's discretion to impose restrictions on Mobilfone's right to transfer or take action against Mobilfone's nondesignated licenses should the renewal hearing record ultimately disclose that the misconduct was more serious than initially believed. *Designation Order, supra,* at 410. LRRTC

[1] The hearing record in that proceeding established that Otis L. Hale, the sole proprietor of Mobilfone Communications, had engaged in a course of misconduct, including lack of candor and misrepresentation before the Commission. *Otis L. Hale d/b/a/ Mobilfone Communications (Initial Decision)*, 95 FCC 2d 682 (1983), *modified on other grounds*, 95 FCC 2d 668 (1983), *aff'd*, FCC 84–610, released December 7, 1984, appeal pending, *Otis L. Hale d/b/a Mobilfone Communications* v. *FCC*, No. 85–1005 (D.C. Cir. filed January 4, 1985). Except where specific references are required, the entire proceeding will hereafter be cited as *Otis L. Hale*.

[2] LRRTC is a wholly owned subsidiary of EDMT. Memphis Mobile Telephone, Inc. (MMT) holds a 40% interest in EDMT and appears to exercise de facto control over both EDMT and LRRTC. *SCC Designation Order, supra*, at 402 n. 1.

[3] *Designation Order, supra,* at 412. LRRTC and Grant dismissed their applications after designation, leaving only the issue relating to Mobilfone's character qualifications pending. The Administrative Law Judge (ALJ) subsequently enlarged the scope of the hearing to address the issue of whether Mobilfone misrepresented facts concerning the construction and operational status of the four UHG channels.

[4] In *Grayson Enterprises, Inc.*, 79 FCC 2d 936 (1981) (Grayson), the Commission recognized that deferral of all action on all broadcast licenses held by a multiple licensee pending a final resolution of character issues raised by alleged miconduct may operate to the detriment of the public interest. *Id.* at 939. The Commission adopted a procedure whereby at the time of designating a basic character issue in connection with one or more of a multiple licensee's broadcast licenses or applications, the Commission would make a preliminary determination as to the impact of the alleged misconduct on the transferability of the licensee's other licenses. In the *Designation Order, supra,* at 410, the Commission found that the same rationale that led to the adoption of the *Grayson* doctrine for broadcast licensees was applicable to DPLMRS proceedings.

[5] As a consequence of this decision, by letter decision of March 10, 1982, 61500–SAW, the Bureau granted the application for assignment of a number of licenses from Mobilfone to Dial-A-Page, Inc. By Public Notice, Mimeo No. 2776, released March 17, 1982, the Bureau also unconditionally granted Mobilfone's renewal applications covering a number of its "uninvolved" facilities. LRTTC and EDMT filed applications for review of each of these Bureau actions.

and EDMT subsequently filed a petition for reconsideration of that reconsideration of that portion of the *Designation Order* authorizing Mobilfone to transfer without restriction its "uninvolved" stations. The petitioners also requested that the scope of the inquiry into Mobilfone's character qualifications be expanded and that the subject matter of EDMT's informal petition to institute and investigation be consolidated with the renewal hearing.

7. On March 2, 1982, the Bureau dismissed EDMT's informal petition to institute an investigation.[6] The Bureau concluded after review and consideration of EDMT's allegations that while inspection of the stations cited by EDMT disclosed minor technical violations of the Commission's rules, these violations were not of a magnitude sufficient to warrant the institution of a revocation proceeding. The Bureau further concluded that the allegations that Mobilfone had engaged in intentional misrepresentation in its submissions to the Commission were unsupported.

8. On March 23, 1983, the ALJ released his *Initial Decision* in which he concluded that Mobilfone lacked the requisite character to remain a Commission licensee.[7] The ALJ found that Mobilfone had deliberately and continuously lied to the Commission concerning the operational status of the KLB500 UHF channels, lacked candor, mislabelled transmitters in an effort to deceive the Commission; solicited false testimony, and tampered with a Commission witness in an effort to cover up its past misrepresentations. *Initial Decision, supra* note 1, at 696–97. The ALJ denied the renewal applications for Station KQZ752 and Station KLB500, including the VHF facilities as well as the UHF frequencies that were the subject of Mobilfone's misconduct.

9. Shortly after the release of the *Initial Decision,* the Commission denied the petition for reconsideration of the *Designation Order* filed by LRRTC and EDMT. *Designation Order Reconsideration, supra.* The Commission stated that it fully considered the violations at Mobilfone's "uninvolved" stations alleged in EDMT's informal petition to institute an investigation, and had concluded that such alleged violations were insignificant and did not warrant expanding the scope of the inquiry into Mobilfone's qualifications or imposing restrictions on the transfer of Mobilfone's "uninvolved" stations. *Id.,* at para. 3.

10. In November of 1983, the Review Board released its decision in the proceeding, affirming virtually all of the ALJ's findings with respect to Mobilfone's egregious misconduct while modifying only the ALJ's finding concerning the anticompetitive motive behind Mobilfone's warehousing of frequencies.[8] The Review Board further modified the *Initial Decision* by returning the renewal applications for Station KQZ752 and the VHF channels of Station KLB500 to the Bureau to consider the effect of the findings of misconduct in connection with the UHF frequencies on Mobilfone's qualifications to operate those facilities. *Review Board Decision, supra* note 8, at 680–681. We affirmed the decision of the Review Board and ordered the Bureau to consider the proper disposition of Mobilfone's renewal applications and the pending applications for review filed by LRTTC and EDMT.[9]

11. In January of 1985, Mobilfone filed the captioned applications for assignment of all of its remaining station licenses, including the licenses covering Station KQZ752 and the VHF portion of Station KLB500, to DAP. Twin City Beepers of Little Rock, Inc. (Twin City) filed a petition seeking denial of the proposed assignment, and responsive pleadings were filed.

II. Applications for Review

12. The application for review filed by EDMT addresses the Bureau's dismissal of EDMT's informal petition to institute an investigation and a proceeding to revoke Mobilfone's licenses. EDMT argues that the Bureau's findings concerning its allegations of Mobilfone's misrepresentations and rule violations in connection with the operation of its "uninvolved" stations are factually erroneous. EDMT further contends that the Commission committed procedural error by: (1) Failing to expand the scope of the renewal hearing to include the issues raised in its petition concerning Mobilfone's "uninvolved" stations; and (2) disposing of its allegations of misrepresentations by Mobilfone on the basis of *ex parte* communications with Field Operations Bureau (FOB) personnel rather than resolving the allegations in an oral hearing.[10]

13. EDMT's pleading does not attack the soundness of the findings of fact themselves,[11] but rather challenges the Bureau's conclusion that Mobilfone's violations were minor and did not warrant the imposition of further sanctions. However, "an agency's decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency's absolute discretion." *Heckler* v. *Chaney,* 105 S. Ct. 1649, 1656 (1985). We believe that the Bureau's conclusion not to initiate enforcement action against Mobilfone was within its broad discretionary authority concerning enforcement decisions. Accordingly, we reject EDMT's contention that the Bureau's dismissal of EDMT's informal petition was based upon an erroneous factual finding.

14. EDMT's claim of prejudicial procedural error is similarly lacking in merit. The Commission fully considered the allegations raised in EDMT's petition at the time of the *Designation Order,* and concluded that the matters raised by the petition could be more efficiently and expeditiously resolved in a separate proceeding.[12] EDMT has failed to demonstrate the error of that conclusion. *See Designation Order Reconsideration, supra,* at para. 2. Moreover, direct communications with FOB personnel carrying out an investigation of station facilities do not fall within the scope of the prohibitions on *ex parte* communications. *See* 47 CFR section 1.1205; *Redwood Microwave*

[6] *Memorandum Opinion and Order,* Mimeo No. 2508, released March 2, 1982.

[7] *Initial Decision, supra* note 1.

[8] *Otis L. Hale d/b/a Mobilfone Communications,* 95 FCC 2d 668 (1983) (*Review Board Decision*).

[9] *Otis L. Hale d/b/a/ Mobilfone Communications,* FCC 84–610, released December 7, 1984 (*Final Decision*), *appeal pending, Otis L. Hale d/b/a Mobilfone Communications v. F.C.C.,* No. 85–1005 (D.C. Cir. filed January 4, 1985). We also ordered the Bureau to consider two other proceedings involving Mobilfone applications, an application for a new station in the Multipoint Distribution Service (MDS) at Little Rock, Arkansas, CC Docket No. 82–80, File No. 3982–CM–P–73, and a construction permit application for a DPLMRS station in West Memphis, Arkansas, File No. 8942–CZ–(2)–73, to accommodate a consolidation of all pending proceedings involving Mobilfone. *Id.,* at page 2, note 3.

[10] EDMT also alleges that the Commission failed to consider the allegations of wrongdoing raised in Russellville Radio Telephone Company, Inc. v. Otis L. Hale d/b/a Mobilfone Communications, File TS 11–76. The Bureau determined that the complaint in that proceeding did not warrant a hearing and dismissed the complaint. *Russellville Radio Telephone Company, Inc. v. Otis L. Hale d/b/a Mobilfone Communications,* Mimeo No. 2661, released March 10, 1982. (Russellville Complaint) Thus, the involved allegations have been considered and rejected.

[11] Indeed, EDMT's pleading places substantial reliance on the record of the FOB investigation of Mobilfone's facilities that formed the basis of the Bureau's decision. With respect to the misrepresentation issue, EDMT acknowledges that no disagreement exists with regard to whether misstatements of fact were made to the Commission, and challenges only the Bureau's conclusion regarding the adequacy of the justification proffered in mitigation.

[12] The issues raised by EDMT were resolved in the Bureau's dismissal of EDMT's informal petition. *See* paragraph 7, *supra.*

Assn., Inc., 61 FCC 2d 442, 446–48 (1976). Based on the record compiled in the FOB investigation, the Bureau concluded that while minor technical rule violations had occurred at various Mobilfone facilities, no outstanding substantial and material issues of fact required designation for hearing. EDMT has presented no evidence or persuasive argument that requires us to alter that determination. EDMT's application for review will be denied.

15. The applications for review of the Bureau's actions with respect to the renewal and assignment of Mobilfone's other "uninvolved" stations merely reiterate arguments raised in earlier pleadings [13] which were fully considered and denied in our *Designation Order Reconsideration, supra*, at para. 3. The applications for review will, therefore, be denied without further discussion.

III. Further Sanctions Against Mobilfone

A. Effect of the Designation Order

16. Our denial of the applications for review filed by LRRTC and EDMT does not, however, insulate Mobilfone's remaining licenses from further scrutiny or sanctions. In the *Designation Order*, we applied the *Grayson* doctrine and concluded as a preliminary matter that the allegations against Mobilfone did not pose a substantial likelihood that Mobilfone's ability to operate its "uninvolved" stations would be adversely affected. *Designation Order, supra*, at 410. At the same time, we expressly reserved the discretion to revisit this preliminary determination and to take action against Mobilfone's other licenses should the record ultimately disclose misconduct more serious than initially believed.[14] *Id.* In light of the decision in *Otis L. Hale* that Mobilfone does not possess the necessary qualifications to be a Commission licensee of the UHF facilities of Station KLB500, we have decided to revisit this matter.[15]

17. Twin City argues [16] that the final record in *Otis L. Hale* discloses a pattern of misconduct far more serious than could have been reasonably believed by the Commission at the time of designation. Twin City asserts that the focus of the original inquiry was simply to determine whether Mobilfone lacked candor with respect to its need for an additional VHF frequency. Twin City contends that the record disclosed an extensive pattern of misrepresentation which compelled the ALJ to expand the scope of the issues to include a misrepresentation issue. Twin City asserts that a comparison of the original focus of the inquiry with the final findings and conclusions concerning Mobilfone's lack of candor and extensive misrepresentation in connection with the operational status of the KLB500 UHF facilities compels a conclusion that the misconduct disclosed by the record is far more serious than the Commission initially believed at the time of designation. In response, Mobilfone argues that the *Final Decision* found that the misconduct pertained only to the UHF channels and expressly limited Mobilfone's disqualification to those facilities.

18. Our inquiry into whether the final record discloses misconduct more serious than initially anticipated by the *Designation Order* requires a comparison of the facts known to the Commission at the time of designation with the facts as ultimately disclosed by the record. The required comparison discloses the following.

19. The inspection of Station KLB500 undertaken by FOB personnel following Mobilfone's refusal to submit the traffic load study of its KLB500 UHF channels disclosed two salient facts:

(i) Only two of the four UHF transmitters were physically present; and

(ii) The two physically present transmitters were not connected to telephone control lines.

In response to a staff inquiry for further information, Mobilfone represented that one transmitter had been removed due to a burnt out power supply and the other was removed due to interference problems. Mobilfone further represented that the control lines were only connected to the UHF transmitters for equipment tests. From these facts and Mobilfone's representations, the Commission staff reasonably drew two inferences:

(i) Mobilfone had never put its four UHF channels into public service; and

(ii) Mobilfone had constructed its UHF facilities as represented in its Form 403, but had subsequently dismantled the facilities.

See Designation Order, supra, at 408.

20. In the application for a license to cover the four KLB500 UHF facilities filed in 1976, Mobilfone made a host of representations material to the Commission's consideration of the application. Mobilfone represented the following facts to the Commission:

(i) The construction of the four UHF facilities was completed on April 12, 1976;

(ii) Four Motorola type-accepted CC4061 transmitters had been acquired and installed;

(iii) The UHF facilities were now ready for operation;

(iv) The facilities were ready for public correspondence on an unlimited time basis; and

(v) Mobilfone was holding approximately ninety five orders for service.

Initial Decision, supra note 1, at 685; *Review Board Decision, supra* note 8, at 670–71. The final hearing record establishes that each of these material representations was false. *Initial Decision, Id.*; *Review Board Decision, supra* note 8, at 676. Mobilfone had not even begun, much less completed, construction of the UHF base stations by April 12, 1976. *Id.* at 685, 696, 677. Mobilfone did not at any point acquire or install Motorola type-accepted CC4061 transmitters, and did not even have available any type-accepted UHF transmitters capable of 90 watts output power. *Id.* at 685, 696. Mobilfone knew at the time of its filing that the transmitters could not provide a good grade of service and that the facilities were therefore not ready for service. *Id.* at 678. The UHF channels were not to any degree open for public correspondence at the time the application was filed and no public correspondence was transmitted over

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[13] The petition for Reconsideration of the *Designation Order* filed by EDMT and LRRTC argued that the Commission should not have permitted Mobilfone's "uninvolved" stations to be assigned because of the violations alleged in EDMT's informal petition and the Russellville complaint.

[14] In *James S. Rivers*, 48 FR 8585, March 1, 1983, we modified the *Grayson* doctrine to provide that the Commission should definitely determine the status of commonly-owned stations at the time of designation. "If the charges are serious enough to possibly affect the transferability of a multiple owner's other stations", then the applications of all commonly-owned stations will be designated for a consolidated hearing. The Commission noted that "by designating all the stations, we afford licensees faced with qualifications questions a better opportunity to defend themselves at the earliest practicable date." *James S. Rivers* specifically overruled *Grayson* only to the extent that "[h]enceforth, unless the Commission specifically designates such licenses for hearing, they will be freely transferable without condition." *Id.*, at 8586. *James S. Rivers* did not modify the Commission's retention of discretion to take action against the licensee's other stations if the misconduct is more serious than initially believed.

[15] While the pending renewal applications for Station KQZ752 and the VHF channels of Station KLB500 were designated for hearing and thus not within the scope of the original *Grayson* determination, the findings of misrepresentation and lack of candor pertained only to the operational status of the UHF facilities, and our decision to return these applications to the Bureau for further consideration reflected our conclusion that the relationship of these facilities to *Mobilfone's* misconduct was analogous to that held by the other nondesignated stations. *See Final Decision, supra* note 9, at para. 2.

[16] Twin City petition to Deny Mobilfone's 1985 assignment applications, at pp. 5–9.

any UHF channel until after release of the *Designation Order. Id.* at 686, 696. Mobilfone's offer to submit a UHF traffic load study on request in connection with its application for an additional VHF channel deliberately created the impression that the UHF channels were in public service, thereby continuing Mobilfone's course of deceit. *Id.* at 674–75, 697. The misrepresentations in the covering application fixed Mobilfone upon a course of deliberate and systematic misrepresentation: Mobilfone continued to misrepresent the operational status of the UHF facilities in its Form L submissions. *Id.* at 679, 689. Even the threat of close Commission scrutiny was not sufficent to dissuade Mobilfone from its course: the unauthorized transmitters that were installed were mislabelled in an effort to deceive the FOB inspector. *Id.* at 677, 696. Even after designation, Mobilfone persisted in its course of blatant misconduct, attempting to thwart the disclosure of its past misconduct by soliciting false testimony from witnesses and attempting to tamper with a Commission witness. *Id.* at 697.

21. Based on the above, we conclude that the record in *Otis L. Hale* discloses a persistent and deliberate pattern of misrepresentation and an utter disregard for Commission rules that far exceeds the scope of misconduct that could have been reasonably anticipated at the time of the *Designation Order.* This conclusion is based upon our review of the record and is confirmed by Mobilfone's own admission that the findings of misconduct made in the proceeding were more serious than initially believed.[17] Accordingly, we conclude that the *Designation Order* cannot be construed as barring further action against Mobilfone's remaining licenses, and we will proceed to examine the effect of the misconduct established in *Otis L. Hale* on Mobilfone's qualifications to hold a Commission license.

B. Mobilfone's Qualifications to be a Commission Licensee

22. Twin City argues[18] that Mobilfone's misconduct is indistingushable from that established in *Pass Word, Inc.*, 76 FCC 2d 465 (1980, *recon.* 86 FCC 2d 437 (1981) (*Pass Word*), *aff'd sub nom. Pass Word, Inc.* v. *FCC*, 673 F. 2d 1363 (D.C. Cir. 1982), where we concluded that a licensee's persistent course of deliberate misrepresentation concerning the operational status of proposed facilities adversely reflected on its basic qualifications and required the revocation of all its licenses, even those bearing no direct connection to the subject matter of the misrepresentations. In support of its assignment applications, Mobilfone asserts that the loss of the KLB500 UHF channels represents a sanction of sufficient magnitude to effectively deter other licensees from engaging in similar misconduct. Mobilfone further contends that in light of the recent grant of a Private Land Mobile Radio Service authorization to Pass Word, Inc.,[19] its misconduct in connection with the KLB500 UHF channels should not result in its disqualification to hold license not implicated in the misconduct.[20]

23. The inquiry into whether a multiple licensee's misconduct in connection with one station disqualifies it with respect to licenses not directly implicated in the misconduct turns upon the question of whether there is a substantial likelihood that the particular misconduct will adversely affect the operation of the other stations. *See, e.g., Grayson, supra* note 4, at 940. Our present inquiry thus requires a determination of whether the egregious nature of the misconduct established in *Otis L. Hale* raises a substantial likelihood that the same or similar misconcuct may occur in connection with Mobilfone's other stations, *i.e.*, whether the Commission can rely on the truthfulness of Mobilfone's representations made in connection with the operation of mobilfone's other facilities. *See Faulkner Radio, Inc.*, 88 FCC 2d 612, 615–16 (1981) (*Faulkner II*). The Commission has previously found that misconduct reflecting a pervasive inability or unwillingness to meet the basic responsibilities of a licensee disqualified a licensee to hold even those licenses that were not directly implicated in the wrongdoing. *Id.*

24. The Commission has consistently viewed the effect of misrepresentation to the Commission on a licensee's qualifications with particular gravity. The integrity of our regulatory scheme depends upon the integrity and representations of Commission licensees. *Pass Word, supra*, at 449. The Commission has recognized that where a multiple licensee has engaged in a pattern of deliberate misrepresentation, a substantial and material question of its qualifications to hold its other licenses is raised. *Booth American Co.*, 78 FCC 2d 388, 390 (1980); *Faulkner Radio*, 61 FCC 2d 23, 24 (*Faulkner I*); *Faulkner II, supra*, at 617. The Commission has recognized that revocation of all of a multiple licensee's remaining authorizations, both involved and uninvolved, may be the appropriate remedy where the licensee has engaged in a pattern of deliberate misrepresentation. *Pass Word, supra*, at 441.

25. Disqualification to hold one license does not, however, automatically or invaribaly disqualify a multiple licensee from holding other licenses. The effect of a prior disqualification on a multiple licensee's remaining licenses is to be determined in light of all of the relevant considerations. *Rocket Radio, Inc.*, 86 FCC 2d 655, 656 (1981). In asessing the effect of such misconduct on a licensee's basic qualifications, the Commission will consider and weigh a broad range of factors including the following:

(i) The nature and the extent of the misconduct;

(ii) Whether the misconduct was isolated or recurring;

(iii) Whether the conduct was deliberate or inadvertent;

(iv) Whether the misconduct is recent or remote in time;

(v) The Attribution of personal responsibility within the organizational structure of the licensee;

(vi) Whether prompt corrective action was taken;

(vii) The performance at each of the uninvolved stations; and

(vii) The likely deterrent effect of losing the involved station.

See Faulkner II, supra, at 616.

26. The serious and pervasive misconduct disclosed by the record in *Otis L. Hale* suggests an unwillingness to meet the basic responsibilities of a Commission licensee and raises a substantial and material question as to Mobilfone's qualifications to retain its remaining licenses. The misconduct at issue here was deliberate, continuous and serious in nature and extent. Responsibility for the misrepresentations is virtually wholly attributable to Otis L. Hale himself, the sole proprietor of Mobilfone. *See, e.g., Initial Decision, supra* note 1, at 687 n. 12, 688 n. 16, 690–692; *Review Board Decision, supra* note 8, at 674–75. Mobilfone made no effort to mitigate the effect of its misconduct through prompt corrective action, choosing instead to

[17] In its March 28, 1985 Opposition to Twin City's Petition to Deny, at page 8, Mobilfone summarized the proceeding subsequent to issuance of the *Designation Order* and stated: "[t]hus, the findings of misconduct made in the case were more serious than the Common Carrier Bureau initially believed had occurred, . . ."

[18] Twin City Petition to Deny Mobilfone's 1985 assignment applications, at pp. 12–15.

[19] File No. 553416, license issued January 3, 1985.

[20] The Pass Word, Inc. situation is not controlling here since the Commission first revoked all of Pass Word's authorizations, *Pass Word, supra*, and then subsequently granted an authorization after the passage of several years.

persist in a course of misrepresentation in the face of Commission scrutiny and investigation. Mobilfone's contention that the loss of the KLB500 UHF channels represents an adequate sanction for the extensive misconduct established by the record cannot be credited. Mobilfone obtained the channels and retained them for years without offering service to the public through its pursuit of a course of deliberate and persistent misrepresentation. We cannot conclude at this juncture that the loss of those UHF channels, secured and retained as they were through Mobilfone's continuing misconduct, constitutes a sanction sufficient to deter such egregious misconduct in the future. *Cf. Pass Word, supra.* Accordingly, we have determined that all of Mobilfone's remaining licenses must be designated for hearing to determine whether, in light of the misconduct established by the record in *Otis L. Hale,* Mobilfone is qualified to remain a Commission licensee.[21]

27. While all of Mobilfone's remaining licenses bear the same factual nexus to the misconduct established in *Otis L. Hale,*[22] the differences in the procedural postures of the licenses have significant consequences with respect to the applicable standard of proof and the allocation of evidentiary burdens between the parties. Mobilfone's qualifications to retain the licenses for Station KQZ752 and the KLB500 VHF channels will be examined in the context of a renewal proceeding: Mobilfone will bear both the burden of proof and the burden of going forward with the evidence and the applicable standard of proof will be a preponderance of the evidence. Mobilfone's remaining licenses were granted renewal without restriction or qualification shortly after the *Designation Order,* and Mobilfone's qualifications to hold these licenses must accordingly be examined in the context of a revocation proceeding. We will therefore issue Mobilfone an order to show cause why its remaining licenses should not be revoked. The Bureau will bear the burden of proof and the burden of going forward with the evidence in the revocation proceeding. 47 U.S.C. Section 312. Because the record of Mobilfone's misconduct poses the identical substantive issue in both proceedings, the proceedings will be consolidated in a single hearing. Finally, the judgment that Mobilfone showed a lack of candor and misrepresented facts regarding the construction and ther operational status of the Station KLB500 UHF frequencies is *res judicata* and is not subject to collateral attack in the subsequent proceeding. *RKO General, Inc.,* 670 F. 2d 215, 237 (D.C. Cir. 1981).

IV. Mobilfone's Assignment Applications

28. Mobilfone proposes to assign all of its remaining Commission authorizations to Dial-A-Page of Little Rock, Inc. (DAP).[23] Mobilfone argues that the public interest favors approval of the assignment applications. Mobilfone claims that, barring approval of the assignments, the public will experience a significant deterioration in the quality of service as a result of Mobilfone's understandable reluctance to invest further capital or resources in the facilities and the anticipated decline in employee morale stemming from the uncertain future of the operations. Mobilfone further contends that approval of the assignments will not result in Mobilfone reaping a profit from its own misconduct, because the facilities to be assigned were not implicated in the misconduct.[24]

29. In opposing the assignment applications, Twin City [25] argues that approval of the proposed assignments would condone serious misconduct on the part of Mobilfone. Twin City charges that Mobilfone lacks the requisite qualifications to hold a Commission license and asserts that our decision in *Pass Word, supra,* constrains us to deny the present assignment applications.[26]

30. *Discussion.* Upon review of the applications, the attendant pleadings and relevant Commission precedent, we conclude that the present assignment applications must also be designated for hearing.[27] Mobilfone has been found to have engaged in a course of deliberate and continuous misrepresentation that raises a serious question as the Mobilfone's fitness to hold any Commission license, and we have accordingly determined that all of Mobilfone's licenses must be designated for hearing to determine whether Mobilfone has the qualifications to remain a Commission licensee in light of the misconduct established in *Otis L. Hale.* To permit Mobilfone to sell out from under the potential disqualification at this juncture would significantly undercut the Commission's ability to police and deter licensee misconduct without realizing any offsetting substantial public benefit.[28] Where a

[21] Mobilfone may introduce evidence in mitigation and address the issue of what measures represent fair and adequate sanctions for its misconduct in the course of the hearing.

[22] Twin City's contention that the KLB500 VHF channels and Station KQZ 752 in some manner bear a more substantial relation to the misconduct than Mobilfone's other licenses is rejected. *See, supra,* note 15.

[23] Stations KLB500, KQZ752, and KSV910 (Little Rock); Stations KUD228 and KXX720 (Jonesboro); Stations KFL633 and KUC892 (Sulphur Springs); Stations KFL870 and KUC893 (Hot Springs); Station KFJ890 (Brinkley); and Station KFT281 (a Private Radio Public Coast Station).

[24] In support of Mobilfone's applications, DAP argues that denial of the assignment applications will serve only to grant Mobilfone's sole competitor in Little Rock, Twin City, an extended period in which to consolidate its advantage over a "lame duck" operator.

[25] Mobilfone challenges Twin City's standing to oppose the assignment applications. Mobilfone argues that Twin City has failed to allege that it is in competition with any Mobilfone facility other than Stations KQZ752 and KLB500 in Little Rock and it therefore lacks standing to oppose assignment of Mobilfone's other facilities. Mobilfone further contends that Twin City lacks standing to oppose any of the assignment applications because it has failed to allege any economic injury. We reject Mobilfone's attempt to shield its course of misconduct from closer scrutiny through the guise of a technical standing argument. Twin City's pleading principally addresses the issue of Mobilfone's qualifications to remain a Commission licensee, an issue we are obligated to raise and consider pursuant to Section 310(d) of the Communications Act. Moreover, to the extent that Twin City's pleading addresses the substantial public interest considerations raised in connection with Mobilfone's qualifications, it is clearly a proper exercise of our discretion to consider the merits of the pleading pursuant to our authority to consider informal requests for Commission action. See 47 CFR § 1.41.

[26] Twin City also alleges that Mobilfone has presisted in its course of misconduct by failing to place authorized facilities into service. Twin City alleges that the control facilities authorized for two of the stations proposed to be transferred, Station KFL633 and Station KFL870, are not in service. Evidence submitted by Mobilfone indicates that the control facilities referred to by Twin City are back-up facilities operating on the same frequencies as the primary control facilities for the two involved stations. Since back-up facilities are not routinely used, Twin City has failed to demonstrate any discontinuance of service requiring notification to the Commission. We find Modilfone's evidence sufficient to rebut Twin City's allegations leaving no material factual question warranting investigation or designation.

[27] Previous Commission policy, reflected in the *Grayson* doctrine, provided for the deferral of consideration of any proposed assignment unit all outstanding character issues against the transferor had been resolved. *See, e.g., Jefferson Radio Company Inc. v. FCC,* 340 F. 2d 781 (1974). In *James S. Rivers, supra* note 14, we modified *Grayson* to require designation of all commonly-owned stations if the charges are serious enough to possibly affect the transferability of the multiple owner's other stations. This change of policy was reflected in the *Final Decision* herein where we directed the Bureau to follow a procedure that "will accommodate a consolidation of all pending proceedings involving Mobilfone." *Final Decision, supra* note 9, at para. 2. We believe that designation of Mobilfone's assignment applications for hearing is entirely consistent with the rationale which justified our modification of the *Grayson* doctrine in *James S. Rivers.*

[28] The Commission previously had recognized exceptions to its former general policy of deferment in special limited circumstances that do not obtain here. *See, e.g., Cathryn Murphy,* 42 FCC 2d 346 (1973) (transferor seriously ill); *Second Thursday*

Continued

basic character issue arising from the deliberate misrepresentation of facts to this Commission has been designated against a licensee, the Commission has a substantial interest in the deterrence of such misconduct, and applications for assignment of the licensee's authorizations should be designated for hearing unless specific and compelling public interest considerations favoring the immediate transfer outweigh our interest in deterrence. The potential for a deterioration in service exists whenever the Commission designates a character issue against a prospective transferor for hearing. To lend credence to Mobilfone's argument that the public interest in avoiding a potential deterioration in service outweighs our interest in deterrence would pave a profitable escape route for wrongdoers. Mobilfone's belated plea on behalf of the public interest lacks both the specificity and compelling force to outweigh our interest in deterring the kind of misconduct found in *Otis L. Hale*. Moreover, the factors cited by Mobilfone as contributing to a deterioration in service are either within its control or are principally attributable to its own business decisions.[29]

31. Based upon the above, we conclude that we cannot at present find that the proposed assignment of Mobilfone's licenses would be in the public interest. Instead, we conclude that Mobilfone's assignment applications should be designated for disposition in the consolidated hearing.

Corp., 25 FCC 2d 112 (1970) (bankrupt licensee effects sale for benefit of creditors while assuring alleged wrongdoers will derive no beneift); *Stereo Broadcasters, Inc.* 74 FCC 2d 543 (1979), *aff'd, Stereo Broadcasters v. FCC*, 652 F. 2d 1026 (D.C. Cir. 1981) (Distress sale policy); *Teleprompter Cable Systems, Inc.*, 40 FCC 2d 1027 (1973) (Licensee moves swiftly to purge itself of wrongdoers); *Mutual Radio of Chicago, Inc.*, 55 RR 2d 1577 (1984), *appeal pending sub nom. Martin Trigona* v. *FCC*, D.C. Cir. No. 84–1229 (assignor's alleged misconduct is non-broadcast related and licensee's broadcast record is exemplary). The Commission has also held that for non-broadcast services other public policy considerations may outweigh the considerations underlying the old general deferment policy. *See Cablecom-General*, 87 FCC 2d 784 (1981) and *Cellular System One of Tulsa*, FCC 85–322, released June 21, 1985.

[29] Similarly, Mobilfone's argument that approval of the proposed assignments would not result in Mobilfone profiting from its own wrongdoing is rejected. We have determined that the misconduct established in *Otis L. Hale* requires the institution of a revocation proceeding involving all of Mobilfone's authorizations. To permit the present transfer of the involved authorizations for a sum in excess of $2 million would clearly profit Mobilfone. We have fully considered Mobilfone's other arguments in support of its assignment applications in our consideration of the effect of Hale's misconduct on Mobilfone's basic character qualifications. *See, supra*, para. 26.

V. Other Pending Mobilfone Applications

32. As noted in footnotes 9 and 27, the *Final Decision* contemplated the consolidation of all pending proceedings involving Mobilfone. It has been determined that Mobilfone's Little Rock MDS application (CC Docket No. 82–80, File No. 3982–CM–P–73) was dismissed on July 21, 1983. However, Mobilfone's two captioned construction permit applications (File Nos. 8942–CD–P–(2)–73 and 22650–CD–P–76) remain pending. We conclude that Mobilfone's pending construction permit applications should also be designated for disposition in the consolidated hearing.

VI. Conclusion

33. We have determined that the serious misconduct established by the record in *Otis L. Hale* raises a substantial question as to Mobilfone's quaifications to remain a Commission licensee. Accordingly, Mobilfone's applications for assignment of its remaining stations, its pending renewal applications, its pending construction permit applications and its other Commission licenses will be designated for hearing to determine the effect of the findings of misrepresentation and lack of candor on Mobilfone's qualifications to hold a Commission license.[30]

VII. Ordering Clauses

34. Accordingly, it is ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned applications for renewal of licenses for Station KQZ752 and VHF channels of Station KLB500 in Little Rock, Arkansas, File Nos. 23700–CD–R–79 and 23697–CD–R–79, filed by Otis L. Hale b/d/a Mobilfone Communications, are designated for hearing upon the following issue:

To determine, in light of the misconduct established in *Otis L. Hale*, whether a grant of the captioned applications for renewal of licenses would serve the public interest.

35. It is further ordered, that, pursuant to section 312(a)(1) of the Communications Act of 1934, as amended, Otis L. Hale d/b/a Mobilfone Communications is directed to show cause why an Order Revoking all of its Commission licenses should not be issued by appearing at a hearing upon the following issue:

To determine, in light of the misconduct established in *Otis L. Hale* and the evidence adduced pursuant to the issue designated in paragraph 34, whether Otis L. Hale d/b/a Mobilfone Communications possesses the requisite qualifications to hold a Commission license.

36. It is further ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned applications for assignment of all of the licenses of Otis L. Hale d/b/a Mobilfone Communications, File Nos. 21689–CD–AL–1–85, 21690–CD–AL–2–85, 21691–CD–AL–2–85, 21692–CD–AL–2–85, 21693–CD–AL–1–85 and 21694–CD–AL–1–85, and the captioned construction permit applications filed by Otis L. Hale d/b/a Mobilfone Communications, File Nos. 8942–CD–P–(2)–73 and 22650–CD–P–76, are designated for hearing upon the following issue:

To determine, if necessary, in light of the misconduct established in *Otis L. Hale* and the evidence adduced and findings made pursuant to the issues designated in paragraphs 34 and 35, whether a grant of any or all of the captioned assignments and construction permit applications would be in the public interest.

37. It is further ordered, that the issues designated in paragraphs 34, 35 and 36 be consolidated in a single hearing to be held at a place and time to be specified in a subsequent order of the Chief Administrative Law Judge.

38. It is further ordered, that the Chief, Common Carrier Bureau is made a party to the proceeding.

39. It is further ordered, that Otis L. Hale d/b/a Mobilfone Communications and all other interested parties, pursuant to Sections 1.91(c) and 1.221 of the Commission's rules, shall file written notices of appearance with the Commission within thirty days of the receipt of this order.[31]

40. It is further ordered, that the burden of going forward with the introduction of evidence and the burden of proof on the issues designated in paragraphs 34 and 36 are placed on Otis L. Hale d/b/a Mobilfone Communications; the burden of going forward with the introduction of evidence and the burden of proof on the issue designated in paragraph 35 are placed on the Chief, Common Carrier Bureau.

41. It is further ordered, that the applications for review filed by El

[30] We believe that our action herein will lead to a final and complete resolution of the questions concerning the character qualifications of Mobilfone which have been pending in various procedural postures for a number of years. Because undue further delay is neither fair to Mobilfone nor to the public that it serves, we hereby direct that the hearing designated herein be conducted expeditiously. It is our desire that the hearing be completed and an initial decision issued within twelve months.

[31] Since §§ 1.221 and 1.91(c) require written notices of appearance to be filed within 20 days and 30 days, respectively, we are establishing a uniform 30 day filing period for this consolidated hearing.

Dorado Mobile Telephone Company Inc. and Little Rock Radio Telephone Company, Inc., are denied.

42. The Secretary shall cause a copy of this order to be published in the **Federal Register.**

Federal Communications Commission,
William J. Tricarico,
Secretary.

[FR Doc. 85–25681 Filed 10–28–85; 8:45 am]
BILLING CODE 6712–01–M

[MM Docket No. 85–321; File Nos. BPCT–850605KI and BPCT–85072KU]

South Mississippi Broadcasting Co., Inc. and Sara I. Dunn, Ltd; Applications for Construction Permit, Wiggins, Mississippi; Hearing Designation Order

Adopted: October 11, 1985.
Released: October 23, 1985.
By the Chief, Video Services Division.

1. The Commission, by the Chief, Video Service Division, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for a new commercial television station to operate on Channel 43, Wiggins, Mississippi.

2. The effective radiated visual power, antenna height above average terrain and other technical data submitted by the applicants indicate that there would be a significant difference in the size of the area and population that each proposes to serve. Consequently, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. No determination has been reached that the tower height and location proposed by either applicant would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

4. South Mississippi Broadcasting Company, Inc. (South Mississippi) proposes to erect its tower at the same coodinates as those of Station WIGG(AM), Wiggins, Mississippi. In the event that South Mississippi is the successful applicant in this proceeding, its construction permit will be conditioned to ensure that the radiation pattern of the AM station will not be adversely affected.

5. Section 73.3555(b) of the Commission's Rules states that no license for a television station shall be granted to any party if such party owns, operates or controls an AM or FM broadcast station and the grant of such license will result in the Grade A contour of the televison station compassing the entire community of the AM or FM station. Alton Ray Byrd, President, Director and 50 percent owner of South Mississippi, and his wife Gayon Joyce Byrd, are officers and stockholders of station WIGG(AM) Wiggins, Mississippi, ans Station WLUN–FM, Lumberton, Mississippi. Lumberton, Mississippi is within the applicant's predicted Grade A contour. Consequently, a grant of the television application would violate § 73.3555(b). However, South Mississippi has represented to the Commission that, in the event that it is the successful applicant in this proceeding, Mr. and Mrs. Byrd will divest themselves of all interest in the connection with the licensees of Stations WIGG(AM) and WLUN–FM.[1] Accordingly, any grant of a construction permit to South Mississippi will be appropriately conditioned upon the Byrds' divestiture.

6. Except as indicated by the issues specified below, the applicants are qualified to constuct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications Are designated for hearing in a consolidated proceeding to be held before an administrative Law Judge at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, with respect to both applicants, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

9. It is further ordered, that, in the event that South Mississippi Broadcasting Company, Inc. is the successful applicant in this proceeding, the construction permit shall be conditioned as follows:

During installation of the antenna authorized herein, AM Station WIGG, Wiggins, Mississippi, shall determine operating power by the indirect method. Upon completion of the installation, antenna impedance measurements on the AM antenna shall be made and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission (along with a tower sketch of the installation) in an application for the AM Station to return to the direct method of power determination.

10. It is further ordered, that, in the event that South Mississippi Broadcasting Company, Inc. is the successful applicant in the proceeding, the construction permit shall be conditioned as follows:

Prior to commencement of operation of the television station authorized herein, permittee shall certify to the Commission that Mr. and Mrs. Byrd have divested themselves of all interest in, and connection with, the licensees of station WIGG(AM), Wiggins, Mississippi, and Station WLUN-FM, Lumberton, Mississippi.

11. It is further ordered, that the September 16, 1985, amendment filed by South Mississippi Broadcasting Compay, Inc. is accepted *nunc pro tunc.*

12. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594

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[1] On September 13, 1985 ("B" cut-off date), South Mississippi filed an unsigned copy of the amendment which stated that the Byrds would divest their interests in WIGG(AM) and WLUN–FM. At the time the amendment was filed, counsel for the applicant indicated that the original was being executed that day (September 13) and it would be filed at the Commission as soon as possible. The signed copy was filed on September 16 (one business day after the "B" cut-off date). All parties to this priceeding clearly had notice of the amendment on September 13. In view of the fact that all parties were put on timely notice concerning the contents of the amendment, none were prejudiced. These circumstances are governed by a long-standing Commission policy which dictates that the amendment and signature be accepted *nunc pro tunc. Bocanegra/Gerald Broadcasting Group,* Mimeo No. 1470, released December 22, 1982; *Communications Gaithersburg, Inc.,* 60 FCC 2d 537 (1976); *B.J. Hart,* 44 FCC 2088 (1960). Accordingly, the signed original of the amendment will be accepted *nunc pro tunc.*

of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission,

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 85–25682 Filed 10–28–85; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket No. 80–741; FCC 85–533]

Renewal of the Charter of Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Renewal of the Charter of the Advisory Committee on the International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It.

SUMMARY: This action renews the Charter for the above Federal Advisory Committee for an additional two years. The Charter will now expire effective August 5, 1987.

The action is taken by the Commission to allow the committee time to complete its work.

EFFECTIVE DATE: September 30, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Larry Palmer, Common Carrier Bureau (202) 632–3214.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

In the matter of an inquiry relating to preparation for the International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It; Gen Docket No. 80–741.

Adopted: October 2, 1985.
Released: October 8, 1985.

By the Commission.

Background

1. The purpose of this *Memorandum Opinion and Order* is to continue the existence of a federal advisory committee to prepare for the second session of the International Telecommunication Union (ITU) World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It (WARC–ORB (2)). The first session of that Conference recently concluded in Geneva. The second session will be held in 1988. A Commission proceeding has been established to accomplish preparations for the Space WARC, and the maintenance of an advisory committee will be an adjunct to that proceeding.[1]

2. Although the agenda for the second session of the Space WARC has not been decided by the ITU, the Conference is expected to have the jurisdiction to consider and alter the international arrangements whereby nations and organizations make use of portions of the geostationary-satellite orbit and spectrum for radiocommunication. Thus, a thorough assessment of the results of the first session and an appropriate and effective U.S. assessment of U.S. options for the second session is essential.

3. There are several means whereby the Commission and the Federal government develop policies for international organizations considering communication issues. One means is the creation of an advisory committee consisting of members of the public having a knowledge of and interest in the subject matter. Such committees generally meet at regular intervals with advance notice of meetings given in the **Federal Register**, affording an opportunity for members to research and discuss the relevant issues, and to ultimately produce findings or recommendations. All these activities are governed by the Federal Advisory Committee Act of 1972.[2]

Discussion

4. This committee is intended to bring together a broad and multidisciplinary range of individuals who are knowledgeable about and interested in the issues presented by the Space WARC. Although the committee cannot formally exercise any power over the advisory committees of other agencies, it is expected to usefully interact and share appropriate information with them.

Work of the Space WARC Advisory Committee

5. The Space WARC advisory committee will essentially be a continuation of the earlier committee that developed recommendations for consideration by the Commission for the first session of the Conference.[3] We anticipate that the advisory committee will examine the U.S. previous efforts for the first session, the results of that session, the intersessional work necessary to prepare for the second session, the reports adopted earlier by the advisory committee, and will adopt proposals and recommendations on these matters for consideration by the Commission.

6. The objectives and scope of activity are set forth in detail in the Charter attached as Appendix A. It also sets forth deadlines by which reports must be submitted: June 1 and December 15, 1986; June 1, 1987; and April 1, 1988. The contents of those reports will be in response to the objectives and scope of activity as shown in the Charter, and should be broad and comprehensive.

7. The entire committee is expected to meet no less than three times per year. Membership on the committee will not be constrained, although regular dissemination of materials may be limited to regular participants in the committee's activities. It is expected that the committee will attempt to reach a consensus on as many matters as possible. Where that does not occur, dissenting members will be encouraged to prepare separate comments presenting their view. The committee will be created, conducted, and terminated pursuant to the Federal Advisory Committee Act of 1972, *supra.* Advance notice of all meetings will be given to the public through publication in the **Federal Register.** Because funds for the conduct of this committee are extremely limited, private-sector (i.e., non-government) members of the committee must cover all their participatory expenses.

8. Accordingly, It is ordered that an Advisory Committee to assist the Commission in preparations for the 1988 ITU World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It shall be continued. The staff is instructed to take the necessary steps to obtain the prompt approval of the Charter of the Advisory Committee, attached as Appendix A.

9. The point of contact on this matter is T. Tycz, International Conference Staff, Common Carrier Bureau, 202–632–3214.

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[1] See *Memorandum Opinion and Order* (in Gen. Doc. No. 80–741), FCC 83–383, —— FR —— (released September 28, 1983).

[2] Pub. L. No. 92–463. Oct. 6, 1972, 86 Stat. 770, as amended Pub. L. No. 94–409, sec. 5(c), Sept. 13, 1976, 90 Stat. 1247 at sec. 3(c).

[3] These earlier efforts culminated in two Advisory Committee reports to the FCC; the first in December, 1983, and the second in January, 1985.

Federal Communications Commission.

William J. Tricarico,

Secretary.

CHARTER—ADVISORY COMMITTEE FOR THE ITU WORLD ADMINISTRATIVE RADIO CONFERENCE ON THE USE OF GEOSTATIONARY-SATELLITE ORBIT AND THE PLANNING OF THE SPACE SERVICES UTILIZING IT

A. Official Designation of the Advisory Committee

The Advisory Committee of the ITU World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It. The short form reference for the Committee will be the Space WARC Advisory Committee. The first session of the Conference was held from August 8 to September 16, 1985. The second session of the Conference will be held in 1988. The advisory committee will be a continuation of the earlier committee that examined the issues for the first session of Space WARC, and will continue to advise the Commission on matters related to the second session of the conference.

B. Names of the Subcommittees

None.

C. Committee's Objectives and Scope of Activity

(1) Objective: To advise the staff of the Federal Communications Commission concerning intersessional work and other continuing preparations for the second session of the ITU World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It.

(2) Scope of activity for the second session U.S. Proposals: To take all steps necessary to assemble information and provide advice concerning the following matters:

a. An evaluation of U.S. preparations for the first session of the Conference, the results of that session, and in particular any effects on satellite radiocommunications services used by the United States.

b. Identification of the means available to the U.S. to assess the impact of Conference developments after the first session and to limit any significant adverse consequences that may occur as a result of the conference decisions.

c. Recommendations on ways to participate in the intersessional work, including the identification of what, if any, studies should be undertaken within the U.S.

d. An evaluation of the recommendations of the previous Space WARC Advisory Committee Report, including an analysis of the conference results as they relate to those recommendations. Provision of any necessary update of the advisory committee material necessary to support future Committee recommendations.

e. In light of experience gained at the first session of the Conference and any intersessional work, recommendations for any U.S. proposals or positions for the Second Session of the Conference.

(3) Scope of activity for the convening of the second session: To take steps necessary to assemble information and provide advice concerning matters raised in its previous reports that have been subsequently affected by the outcome of the first session of the Conference or any other significant developments.

D. Period of Time Necessary for the Committee to Carry Out its Purposes

Two additional written reports are contemplated for completion of work within the scope of activity outlined in paragraphs C (2)a, b, and c above. The third report should be completed by June 1, 1986, in order to be timely for consideration for intersessional work. A fourth report should be completed by December 5, 1986. Final written reports for the submission of U.S. proposals must be completed by June 1, 1987. Final written reports for the convening of the second session must be completed by April 1, 1988.

E. Official to Whom the Committee Reports

Chief, Common Carrier Bureau, Federal Communications Commission.

F. Agency Responsible for Providing Necessary Support

The FCC will furnish necessary administrative support, including the facilities needed for conducting meetings of the Committee.

G. Description of the Duties for Which the Committee is Reponsible

The duties of the Committee will be to assemble data and prepare anlayses and recommendations concerning the matters set out in Part C above and to furnish them to the FCC Staff.

H. Estimated Operating Costs in Dollars and Staff Years

The estimated annual operating costs are $20,000 for the FCC. Estimated annual staff-years are 0.5 for the FCC and 10 for private sector and other government participants.

I. Estimated Number and Frequency of Committee Meetings

The full Committee will meet at least three times a year.

J. Charter Submitted

K. Committee's Termination Date

August 5, 1987.

[FR Doc. 85–24572 Filed 10–28–85; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Commonwealth Bancorp, Inc., et al.; Correction

This notice corrects a previous **Federal Register** document (FR Doc. No. 85–22754), published at page 38714 of the issue for Tuesday, September 24, 1985.

The correct name for Commonwealth Bancorp, Inc., Shelbyville, Kentucky, is Commonwealth Bancshares, Inc., Shelbyville, Kentucky.

Board of Governors of the Federal Reserve System, October 23, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–25687 Filed 10–28–85; 8:45 am]

BILLING CODE 6210–01–M

Midlantic Banks Inc., et al.; Correction

This notice corrects a previous **Federal Register** document (FR Doc. No. 85–24865), published at page 42224 of the issue for Friday, October 18, 1985.

The correct name of the company cited as NDB Securities, Inc., Detroit, Michigan, is NBD Securities, Inc., Detroit, Michigan.

Board of Governors of the Federal Reserve System, October 23, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–25688 Filed 10–28–85; 8:45 am]

BILLING CODE 6210–01–M

N K B, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company, are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the

application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 15, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *N K B, Inc.,* North Miami Beach, Florida, to become a bank holding by accquiring 100 percent of the voting shares of The Skylake State Bank, North Miami Beach, Florida.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Frist Midwest Financial Corporation,* Hanover Park, Illinois, to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank & Trust Company of Hanover Park, Hanover Park, Illinois.

2. *Foresight Financial Group, Inc.,* Freeport, Illinois; to become a bank holding company by acquiring 50.1 percent of the voting shares of German-American State Bank, German Valley, Illinois, and State Bank of Davis, Davis, Illinois.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Morrill Bancshares, Inc.,* Sabetha, Kansas; to acquire 50 percent of the voting shares of Onaga Bancshares, Inc., Onaga, Kansas, thereby indirectly acquiring First National Bank of Onaga, Onaga, Kansas. Comments on this application must be received not later than November 18, 1985.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Capital National Bancshares, Inc.,* Fort Worth, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Capital Naional Bank, Fort Worth, Texas, and The Citizens National Bank of Weatherford, Weatherford, Texas.

2. *Peoples Bancshares of Natchitoches,* Natchitoches, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Peoples Bank & Trust Company, Natchitoches, Louisiana. Comments on this application must be received not later than November 18, 1985.

3. *Westbanc Bancshares, Inc.,* Austin, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of the West, Austin, Texas. Comments on this application must be received not later than November 18, 1985.

Board of Governors of the Federal Reserve System, October 23, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–25689 Filed 10–28–85; 8:45 am]

BILLING CODE 6210–01–M

PNC Financial Corp. et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in section 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received that the Reserve Bank indicated for the application or the offices of the Board of Governors not later than November 15, 1985.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp., Pittsburgh,* Pennsylvania; to acquire BHC Securities, Inc., Philadelphia, Pennsylvania, and thereby engage in providing securities brokerage services, related securities credit activities pursuant to the Board's Regulation T (12 CFR Part 220), and incidental activities such as offering custodial services, individual retirement accounts, and cash management services, if the securities brokerage services are restricted to buying and selling securities solely as agent for the account of customer and do not include securities underwriting or dealing or investment advice or research services. These activities are to be conducted on nationwide basis as permitted by § 225.25(b)(15) of Regulation Y.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Area Bancshares Corporation,* Hopkinsville, Kentucky; to acquire North American Financial Services Company of Kentucky, Louisville, Kentucky, and thereby engage in expansion of data processing activities by Datanet, Inc., a subsidiary jointly owned by Applicant and North American Financial Services, a nonbank holding company, through the acquisition of a 50 percent interest in North American Financial Services Company of Kentucky, forming a joint venture with Mid-America Data Processing, Inc. a proposed wholly-owned subsidiary of Mid-American Bancorp, Louisville, Kentucky, which will also acquire a 50 percent interest herein; and the subsequent acquisition by North American Financial Services Company of Kentucky of L.H.F. Information Processing, Inc., a going corporation and subsidiary of Future Federal Savings Bank of Louisville, Louisville, Kentucky, which has been and continues to engage in financial data processing.

North American Financial Services Company of Kentucky, a joint venture, and its proposed subsidiary, L.H.F. Information Processing, Inc., will conduct data processing activities of a financial or economic nature for

financial institutions. These activities are to be conducted in Kentucky and contiguous states and South Carolina.

Board of Governors of the Federal Reserve System, October 23, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–25690 Filed 10–28–85; 8:45 am]

BILLING CODE 6210–01–M

Sloan State Corp., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8)) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 14, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Sloan State Corporation,* Sloan, Iowa; to engage *de novo* directly in making or acquiring loans and other extensions of credit such as would be made by a commercial financial company pursuant to § 225.25(b)(1) of Regulation Y. These activities would be conducted in the states of Minnesota and Iowa.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Michigan Financial Corporation,* Marquette, Michigan: to engage *de novo* through its subsidiary, Michigan Financial Life Insurance Company, Phoenix, Arizona, in underwriting, as reinsurer, credit life insurance and credit accident and health insurance on extensions of credit by Applicant's credit granting subsidiaries. The company will be qualified to underwrite insurance only in Arizona.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Mariners Bancorp,* San Clemente, California; to engage *de novo* through its subsidiary, Independent Bankers Service Corporation, San Clemente, California, in construction loan accounting, disbursement and inspection services to its bank subsidiary and others pursuant to § 225.25(b)(1) of Regulation Y. Applicant also will engage in the activity of performing appraisals of real estate for its bank subsidiary and others pursuant to § 225.25(b)(13) of Regulation Y. Comments on this application must be received not later than November 8, 1985.

2. *U.S. Bancorp,* Portland, Oregon; to engage *de novo* through its subsidiary, U.S. Brokerage Services, Inc., Portland, Oregon, in buying and selling of securities as agent for the account of customers and will offer incidental services such as custodial services and individual retirement accounts, pursuant to § 225.25(b)(15) of Regulation Y. These activities would be conducted in the continental United States, Alaska and Hawaii. Comments on this application must be received not later than November 13, 1985.

Board of Governors of the Federal Reserve System, October 23, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–25691 Filed 10–28–85; 8:45 am]

BILLING CODE 6210–01–M

National Westminister Bank PLC NatWest Holdings, Inc.; Proposal To Offer Investment Advice and Securities Brokerage From One Subsidiary

National Westminister Bank PLC, London, England, and its U.S. subsidiary, NatWest Holdings, Inc., New York, New York (collectively, "NatWest"), have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), to engage through a wholly-owned subsidiary, County Securities Corporation ("CSC"), New York, New York, in the following activities, listed in order of importance to Applicant:

(1) Providing portfolio investment advice to "Institutional Customers" (generally, companies or employee benefit plans with $5 million or more in assets, individuals with net worths exceeding $5 million, and securities professionals);

(2) Providing securities brokerage services, related securities credit activities pursuant to the Board's Regulation T, and incidental activities, such as offering custodial services and cash management services, in each case for institutional customers, and in each case only when the secuities brokerage services are restricted to buying and selling securities solely as agent for the account of such customers;

(3) Furnishing general economic information and advice, general economic statistical forecasting services and industry studies to institutional customers; and

(4) Serving as investment advisor (as defined in section 2(a)(2) of the Investment Company Act of 1940) to investment companies registered under that Act.

NatWest will not "take a position" (bear the financial risk) in those securities it brokers or recommends. These activities would be conducted throughout the United States from offices of CSC initially located in New York City.

The Board previously has approved the offering of investment advice, as well as the provision separately of securities brokerage services, solely as agent for the account of customers and not including securities underwriting, dealing, investment advisory, or research services. 12 CFR 225.25(b)(4), (b)(15). This application raises the issue of whether offering investment advice and securities brokerage to institutional customers from the same subsidiary of a

bank holding company is a permissible nonbanking activity.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." In determining whether an activity is a proper incident to banking, the Board must consider whether the proposal may "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

In this regard, comment is requested concerning whether the combination of investment advice and brokerage services is closely related to banking on the basis that: (1) Banks generally in fact have provided the proposed services; (2) banks generally provide services that are so similar to the proposed services as to equip them particularly well to provide the proposed service; or (3) banks generally provide services that are so integrally related to the proposed services as to require their provision in a specialized form. These guidelines for determining whether an activity is closely related to banking are set out in *National Courier Ass'n* v. *Board of Governors of the Federal Reserve System,* 516 F. 2d 1229 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 813 (1984).

Comment also is requested on whether the proposal would be a proper incident to banking, that is, whether the performance of the activity may reasonably be expected to produce public benefits that outweigh possible adverse effects.

Applicant maintains that this application raises no issues under the Glass-Steagall Act, which generally places a series of restrictions on the relations between banking organizations and securities affiliates. Section 20 of the Glass-Steagall Act (12 U.S.C. 377) prohibits the affiliation of a member bank with a "corporation . . . engaged principally in the issue, flotation, underwriting, public sale or distribution at wholesale or retail or through syndicate participation of stocks . . . or securities." Section 32 of the Act prohibits a member bank sharing an officer or director with a company primarily engaged in such activities (12 U.S.C. 78). In Applicant's opinion, it would not be engaged in the activities listed in sections 20 or 32. In support of its position, NatWest argues that it will not "take a position" (bear the financial risk) in those securities it brokers or recommends and will not underwrite or engage in the public sale or distribution of securities.

In this regard, the Board requests comment on whether the proposal is consistent with the terms of the Glass-Steagall Act and whether it may result in the abuses or hazards that the United States Supreme Court has identified as having motivated Congress to enact the Act.[1] In particular, comment is requested on whether: the proposal would impair the ability of a bank to serve as an impartial provider of credit because the bank might be tempted to make unwarranted loans to companies whose securities the bank was promoting; whether a bank would no longer provide disinterested investment advice to trust and other customers; whether customer confidence in a bank affiliate might suffer if investments promoted by the bank failed; whether a bank might promote securities of a company in order that the company could repay a loan from the bank; and whether other potential adverse effects might result from the combination of investment advice and brokerage services in one subsidiary of a bank holding company.

Comment also is requested on whether conditions should be established to ameliorate any possible adverse effects, in addition to, or as modifications of, the commitments already offered by NatWest regarding the relations among CSC, its holding company affiliates, and CSC's institutional customers. These commitments include: the limitation of such services to institutional customers only; the fiduciary duties imposed on investment advisors under Regulation Y; the registration of its subsidiary as an investment advisor and broker-dealer under applicable state and federal securities laws; disclosure of its dual role as investment advisor and securities broker to its customers; maintenance of separate offices, facilities, books and records from other NatWest subsidiaries; not sharing customer or depositor lists with any NatWest subsidiary; and not exchanging confidential information (*e.g.,* information as to companies with which a NatWest subsidiary has a lending relationship) between NatWest affiliates and its proposed subsidiary.

While the Board has decided to publish the NatWest proposal for comment, the Board does not thereby take any position on any issues raised by the proposal under the Glass-Steagall Act or the Bank Holding Company Act. Publication of the proposal has been ordered by the Board solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal is consistent or inconsistent with the Glass-Steagall Act or that the proposal meets or is likely to meet the standards of the Bank Holding Company Act.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 25, 1985. Any request for a hearing must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the Office of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, October 23, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-25692 Filed 10-28-85; 8:45 am]

BILLING CODE 6210-01-M

[1] These possible adverse effects are discussed by the United States Supreme Court in *Investment Company Institute* v. *Camp,* 401 U.S. 617, 630-633 (1971), and *Securities Industry Ass'n* v. *Board of Governors of the Federal Reserve System,* 104 S. Ct. 2979, 2984-2985 (1984).

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section

7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 85-1109—Malrite Communications Group, Inc.'s (Milton Maltz, UPE), proposed acquisition of assets of radio stations KLAC-AM and KZLA-FM, L.A. Radio Station (Capital Communications, Inc., UPE).	Oct. 1, 1985.
(2) 85-1110—Malrite Communications Group, Inc.'s (Milton Maltz, UPE), proposed acquisition of assets of radio station KSSR (American Broadcasting Companies, Inc., UPE).	Do.
(3) 85-1114—Park Communications, Inc.'s (Roy H. Park, UPE), proposed acquisition of assets of radio stations WPAT-AM and FM (Capital City Communications, Inc., UPE).	Do.
(4) 85-1115—The Edward W. Scripps Trust's proposed acquisition of assets of television station WXYZ (American Broadcasting Companies, Inc., UPE).	Do.
(5) 85-1116—The Edward W. Scripps Trust's proposed acquisition of voting securities of Tampa Bay Television, Inc. (Capital Cities Communications, Inc., UPE).	Do.
(6) 85-1117—Pocklington Financial Corp.'s proposed acquisition of voting securities of Kretschmar Brands, Inc. (Tim Loveless, UPE).	Do.
(7) 85-1118—Pocklington Financial Corp.'s proposed acquisition of voting securities of Kretschmar Brands, Inc. (Susan Loveless, UPE).	Do.
(8) 85-1144—Centuri, Inc.'s proposed acquisition of voting securities of Poloron Products, Inc.	Do.
(9) 85-1153—The Washington Post Company's (Katharine Graham, UPE), proposed acquisition of voting securities of eight subsidiaries of Cable Television Division (Capital Cities Communications, Inc., UPE).	Do.
(10) 85-1162—Eastman Kodak Company's proposed acquisition of assets of Bell & Howell Company.	Do.
(11) 85-1168—W. Galen Weston's proposed acquisition of voting securities of Betsy Ross Foods, Inc.	Do.
(12) 85-1178—Den Norske Creditbank's proposed acquisition of voting securities of Nordic American Banking Corporation.	Do.
(13) 85-1189—Emhart Corporation's proposed acquisition of assets of True Temper Corp., Jackson & Cyclone Division of Wilkenson Match, Inc. and True Temper Sports Company (Allegheny International, Inc., UPE).	Do.
(14) 85-1123—Cook Inlet Communications, L.P.'s proposed acquisition of assets of Capital Cities Communications, Inc.	Oct. 2, 1985.
(15) 85-1125—Emerson Electric Co.'s proposed acquisition of voting securities of J.H. Fenner (Holdings) PLC.	Do.
(16) 85-1184—Viacom International, Inc.'s proposed acquisition of voting securities of WCI/WASEC, Inc. and Amex/WASEC, Inc. (Warner Amex Cable Holding Company, UPE).	Do.
(17) 85-1172—The Coca-Cola Company's proposed acquisition of voting securities of Nutri-Foods International, Inc.	Oct. 3, 1985.
(18) 85-1198—Baltimore Bancorp's proposed acquisition of assets of Municipal Savings & Loan Association, Inc.	Do.
(19) 85-1173—The Signal Companies, Inc.'s proposed acquisition of voting securities of Frankel Manufacturing Company.	Oct. 4, 1985.
(20) 85-1195—Elsevier-NDU N.V.'s proposed acquisition of assets of the University Microfilms International Division (Xerox Corporation, UPE).	Do.
(21) 85-1221—M.I.M. Holdings Limited's proposed acquisition of voting securities of ASARCO Incorporated.	Do.
(22) 85-1224—Merrill Lynch & Co., Inc.'s proposed acquisition of assets or voting securities of Consumer Foods and Pigments (SCM Corporation, UPE).	Do.
(23) 85-1183—BTL Inc.'s proposed acquisition of assets of Clark Oil and Refining Corporation, Clark Chemical Corporation (Apex Oil Company, UPE).	Oct. 7, 1985.
(24) 86-0035—Numerica Financial Corporation's proposed acquisition of voting securities of Home Bank, FSB.	Do.
(25) 85-1207—Allied Products Corporation's proposed acquisition of assets of White Farm Equipment Co. (Stratton J. Geogoulis, UPE).	Oct. 8, 1985.
(26) 85-1145—NL Industries, Inc.'s proposed acquisition of voting securities of Edgewater Corporation (The Hillman Company, UPE).	Oct. 9, 1985.
(27) 85-1151—Allegheny International, Inc.'s proposed acquisition of voting securities of Edgewater Corporation (Henry L. Hillman, UPE).	Do.
(28) 85-1204—Victor N. Goulet's proposed acquisition of voting securities and assets of Electronic Realty Associates, Inc., Relocation Realty Service Corp. (Control Data Corporation, UPE).	Oct. 10, 1985.
(29) 85-1216—Mitsubishi Corporation's proposed acquisition of voting securities of Kux Manufacturing Company.	Do.
(30) 85-1223—W.R. Grace & Co.'s proposed acquisition of assets of Casa Gallardo Inc. and Darryl's (General Mills, Inc., UPE).	Do.
(31) 85-1142—Continental Telecom, Inc.'s proposed acquisition of voting securities of Fairchild Space Communications, Inc. and American Satellite Corporation (Fairchild Industries, Inc., UPE).	Oct. 11, 1985.
(32) 85-1192—W.R. Grace & Co.'s proposed acquisition of voting securities of Hungry Tiger Inc.	Oct. 15, 1985.

FOR FURTHER INFORMATION CONTACT:
Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,
Secretary.

[FR Doc. 85-25734 Filed 10-28-85; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Project Grants for Preventive Health Services-Sexually Transmitted Diseases Professional Education; Availability of Funds for Fiscal Year 1986

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1986 for a Project Grant for Sexually Transmitted Diseases (STD) Professional Education. This grant will be for the Western and Southwestern area of the United States, consisting of Arizona, California, and Nevada, and will be funded under the Sexually Transmitted Diseases Research, Demonstrations, and Public and Professional Education Grant Program. The Catalog of Federal Domestic Assistance Number is 13.978. This program is authorized by section 318(b) of the Public Health Service Act, as amended (42 U.S.C. 247c(b)). Regulations governing Grants for Sexually Transmitted Diseases Research, Demonstrations, and Public and Professional Education (formerly Veneral Disease Research, Demonstrations, and Public Information and Education) ar codified in Part 51b at Subparts A and F of Title 42, Code of Federal Regulations.

Purpose

The objectives of the program of grants under section 318(b) of the Public Health Service Act are to develop, improve, and evaluate methods for the prevention and control of STD through demonstrations and applied research; to develop, improve, apply, and evaluate methods and strategies for public information and education about STD; and to support particularly deserving STD public and professional education programs. The professional education objective is the purpose of this announcement. It is designed to meet the 1990 Objective of the Nation which states that 95 percent of health providers seeing suspected cases of STD will be capable of diagnosing and treating all diseases and syndromes that fall within that definiton. This will be accomplished primarily by training health department STD clinicians, but also by updating the STD knowledge of private sector practitioners, by educating physicians-in-training to whatever extent their curricula permit, and by demonstatratinng quality standards for the care of patients with

STD. The achievement of the 1990 objective clinical capability and the other objectivies to reduce STD cases and complications are mutually dependent and are national in scope. Therefore, it is necessary to assure that this training initiative is coordinated effectively with the basic control components of the local STD program. It must also be coordinated with CDC to assure that the total training environment represents a national model, that training is consisent with guidelines and is uniform nationwide, and that all course offerings can be broadly publicized by CDC. The objective of this specific grant offering is to establish an STD Prevention/Training (P/T) Center to serve the clinical and disease intervention specialist training needs primarily of STD clinicians from the Western and Southwestern parts of the United States.

Eligible Applicants

Eligible applicants are the official State or local health agencies in Arizona, California, and Nevada. Awards will be limited to applications who meet the following minimum requirements:

1. Plan to locate the P/T Center in a health department clinic that:

a. Is dedicated to the diagnosis and treatment of STD patients,

b. Serves an average of at least 300 patients per 40 weekly service hours, and

c. Serves patients of sufficient demographic variety morbidity to support and stimulate the learing process.

2. Have at least one university school of medicine in the vicinity and provide evidence of support, experience, and a firm interest in participating from such a local institution.

3. Provide assurance that a full schedule of training activities will begin within 180 days of the date of grant award.

4. Provided evidence of their capability of adhering to the CDC document entitled "Quality Assurance Guidelines for STD Clinics, 1982" (Clinic QAG) in providing diagnostic and treatment services, and to applicable portions of the CDC document entitled "STD Prevention/Training Center Curriculum Guidelines and Performance Standards for STD Clinical Training" (P/T Center Guidelines) in the training of health personnel prior to beginning any training activities.

5. Provide evidence of their willingness to adhere to CDC curriculum in the presentation of STD intervention outreach training courses.

Availability of Funds

Approximately $230,000 will be available for Fiscal Year 1986 to fund one new grant award. It is expected that the initial grant will begin on or about April 1, 1986, and will be funded for 12 months in a 2- to 5-year project period. Continuation awards within the project period will be made on the basis of satisfactory progress in meeting project objectives, compliance with the P/T Center Guidelines and the Clinic QAG, or future updates thereof, and on the availability of funds. The funding estimate outlined above may vary and is subject to change.

Use of Funds

Funds may be used to support a direct assistance (i.e., "in lieu of cash") position in the dual roles of P/T Center coordinator/instructor of STD intervention outreach courses. If such a request is made, CDC will make an individual available for assignment at the earliest possible date following the award. CDC will assist in the training and preparation of the person or persons designated to carry out these responsibilities. Funds will not be awarded for the purchase or lease of land or buildings or for the construction of a facility. Except where another agency normally houses and public STD clinic, the P/T Center should be located in the health department facility. Funds will not be awarded to renovate existing space, without adequate justification, including appropriate detailed diagrams, reliable estimates of cost, and a realistic projection of the time required for completion.

Reporting requirements

Financial status reports are required no later than 90 days after the end of each budget period. Final financial status and progress reports are required 90 days after the end of a project period.

Guidelines for Application Narrative

Applications must include a narrative which, in addition to the minimum requirements for an eligible application as stated above, details the following: (1) Evidence that the State/local health department is willing to work toward meeting STD 1990 Objectives for the Nation; (2) evidence that the training component of this project will function in concert with the operating STD clinic and STD intervention outreach components of the local control program; (3) long- and short-term objetives of the proposal training which address the applicant's expected role over the project period in meeting the STD 1990 Objectives for the Nation and which establish the applicant's anticipated training accomplishments for the initial budget period; (4) the activities and methods which will be employed to accomplish the objectives, (including relationships, responsibilities, and procedures that ensure the P/T Center functions according to the Clinic QAG and the P/T Center Guidelines); (5) a description of the existing medical school-health department liaison activities needed to develop and implement clinical training; (6) an evaluation plan which will help determine if the methods are effective and the objectives are being achieved; (7) a budget with justification; and (8) any other information which will support the request for assistance.

Review and Evaluation Critiera

Grant applications will be reviewed and evaluated based on the evidence submitted which specifically describes (with documentation and attachments) the applicant's ability to meet the following criteria:

1. The applicant conveys a satisfactory commitment from the State/local health department administration toward meeting STD 1990 Objectives for the Nation, and specifically, that objective related to the preparation of STD clinicians to adequately diagnose and treat STD, and to conduct such noninvasive STD research that may be feasible and which will not conflict with other program priorities.

2. The applicant satisfactorily describes how the P/T Center corresponds to the needs, plans, and objectives of the State/local STD program; how the P/T Center activities will be effectively coordinated with the basic control components of the local STD program; and how both will be coordinated with CDC to assure that that the total training environment repesents a national model.

3. The applicant's expected role over the project period in meeting STD 1990 Objectives for the Nation and anticipated training accomplishments for the initial budget period are satisfactorily addressed in the long- and short-term objectives.

4. The applicant adequately assures that STD diagnostic and treatment services will be provided principally in accordance with the Clinic QAG, in particular:

a. There will be adequate space and staff to accommodate patient volume.

b. There will be at least 5 days of full clinical services provided (a minimum of 35 registration hours during a minimum of 40 patient service hours, including at least one evening or Saturday session

each week) with no interim daily shutdowns.

c. Clinic management responsibility will be assigned to one person with clinical and/or administrative skills and experience.

d. Diagnosis and treatment will be provided for most STD and their syndromes (e.g., syphilis, gonorrhea, chlamydial infections and associated syndromes, pelvic inflammatory disease, herpes, trichomoniasis, human papilloma virus, scabies, etc.).

e. A nurse clinician or nurse clinician and physician assistant model of care will be used with a physician available on-site for consultation.

f. An integrated flow will be used which minimuzes the number of patient stops and the amount of patient waiting time.

g. Patients will be seen, regardless of sex, by the next available clinician.

h. Confidentiality will be observed during both patient registration and patient care service delivery.

i. A standardized (e.g., "checkoff"), fully auditable, STD medical record will be employed.

j. There will be an on-site laboratory facility which offers a range of immediately available (stat) tests for commonly seen STD.

k. There will be quality assurance procedures through which clinical care is audited systematically and the proficiency of stat laboratory activities are assessed periodically through smear/culture and serologic test correlations.

l. CDC diagnostic guidelines will be used (e.g., bimanual examinations for women, complete genital examinations for males).

m. The policies and procedures of the STD clinic will harmoniously complement the activities of the disease intervention outreach component of the program.

n. CDC recommended treatment schedules will be used.

5. The applicant adequately assures that the development and operation of the clinical component of the proposed P/T Center will be according to the P/T Center Guidelines, in particular:

a. There will be adequate training space for both clinical and STD intervention outreach courses and assurances that it will be available for all scheduled courses.

b. Classroom space will be adequately furnished and equipped.

c. The positions of P/T Center coordinator and STD intervention outreach training instructor will be identified or be provided for either through a proposal to create and fill these positions or through a request for a position in which both responsibilities will be carried out by a person CDC would provide through direct assistance.

d. A clerical resource will be identified and available on-site to assist the P/T Center Training Coordinator or will be provided for through a proposal to create and fill such a position.

e. The curricula will be developed according to P/T Center Guidelines.

f. The clinic and stat laboratory practicum will be structured such that participants are provided an opportunity to demonstrate their clinical skills under the supervision of P/T Center personnel by performing STD examinations on patients and practicing STD stat laboratory procedures.

g. There will be evaluation of student and medical school teaching faculty performance.

h. A minimum of 400 hours of instruction will be provided annually to P/T Center students which consists of at least six "core" courses (two of which are "Comprehensive"), and two different types of course offerings, as described by the P/T Center Guidelines.

i. The medical school personnel will play a dominant role in classroom training.

6. There is a commitment in principle from a local university medical school to participate with the applicant in the establishment of a P/T Center which addresses the following:

a. Part of the time of a liaison/coordinating physician (preferably a physician in the second or third year of a fellowship) with the expense of medical school faculty instructional services being covered by the most cost-effective mechanism possible.

b. The medical school's participation in the development of curriculum that is governed by the P/T Center Guidelines.

c. A minimum of 400 hours of instruction that will be provided annually which consists of at least six "core" courses (two of which are "Comprehensive"), and two different types of course offerings, as described in the P/T Center Guidelines.

d. Faculty assistance from the medical school in clinic practicum through the use of residents or fellows.

e. The medical school's reinforcement of the provisions of the Clinic QAG during curriculum development, instruction, and precepting clinic practicum.

f. The medical school's arrangement for medical students, accompanied by faculty preceptors, to rotate through the center for training and clinic practicum.

7. The applicant provides a satisfactory evaluation plan which will help determine if the methods are effective and the objectives are being achieved.

8. The budget request is clearly explained, adequately justified, reasonable, cost-effective, and consistent with the intended use of grant funds.

9. The site of the proposed P/T Center is sufficiently near to major highways that accessibility by car is a reasonable option.

10. The location of the proposed P/T Center is convenient to restaurants and reasonable hotel/motel accommodations and accessible through a local ground transportation system from an airport.

Site visits may also be made in connection with the review of applications.

Application Information

The original and two copies of the application must be submitted to Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta, Georgia 30305, on January 2, 1986.

A. Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received at the above address on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

B. Late Applications: Applications which do not meet the criteria in A. 1. or 2. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

C. Review Requirements: Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs, and regulations (42 CFR Part 122, as amended, and Part 123) implementing the National Health Planning and Resources Development Act of 1974.

D. Where to Obtain Additional Information: Information on application procedures, copies of application forms, and other material may be obtained from Betty Feeley, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta,

Georgia 30305, or by calling (404) 262–6575 or FTS 236–6575. Technical assistance may be obtained from Albert N. Brasile, Division of Sexually Transmitted Diseases, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia, 30333, telephone (404) 329–2558 or FTS 236–2558.

Dated: October 21, 1985.

William E. Muldoon,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 85–25704 Filed 10–28–85; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 78P–0148 et al.]

Availability of Approved Variances for Laser Light Shows

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that variances from the performance standard for laser products have been approved by FDA's Center for Devices and Radiological Health (CDRH) for six organizations that manufacture and produce laser light shows, light show projectors, or both. The projectors provide a laser light display to produce a variety of special lighting effects. The principal use of these products is to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table below under **"SUPPLEMENTARY INFORMATION."**

ADDRESS: The applications and all correspondence on the applications have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 310–443–4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C 263f), CDRH has granted each of the six organizations listed in the table below a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products.

Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product assembled and produced by the manufacturer, which is its particular variety of laser light show, laser light show projector, or both. Each laser product involves levels of accessible laser radiation in excess of Class II levels but not exceeding those required to perform the intended function of the product.

CDRH has determined that suitable means of radiation safety and protection are provided by constraints on the physical and optical design, by warnings in the user manual and on the products, and by procedures for personnel who will operate the products. Therefore, on the effective dates specified in the table below, FDA approved and requested variances by a letter to each manufacturer from the Deputy Director of CDRH.

So that each product may show evidence of the variance approved for the manufacturer of the product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the FDA docket number, and the effective date of the variance as specified in the table below.

Docket number	Organization granted the variance	Demonstration laser product	Effective date/ Termination date
78P–0148 (amendment)	Laser Media, Inc., 2046 Armacost Avenue, Los Angeles, California 90025.	Laser Media, Inc., LM and EMS laser projection systems, the LMT and Fiberray fiber-optically coupled projector heads, and laser shows assembled and produced by Laser Media, Inc. which incorporate any of these projection devices and/or the Stingray and Chromaray Model Series projectors.	Aug. 14, 1985–May 9, 1986.
83V–0228 (extension)	Laser Light Production's The Space Center, Tombaugh Planetarium, P.O. Box 533, Alamogordo, New Mexico 88310.	Space Center's Tombaugh Planetarium laser light show incorporating the Laser Systems Development Corporation Laser Projector Model C–3(a).	Aug. 5, 1985–Aug. 5, 1987.
85V–0204	Laser Dynamics, Inc., P.O. Box 4156, Spokane, Washington 99202.	Laser ligh shows produced and assembled by Laser Dynamics, Inc. with a Class IV argon and helium-neon laser projector manufactured and certified by Laser Fantasy Productions, Inc. (formerly Coherent Innovations, Inc.).	Aug. 5, 1985–Aug. 5, 1986
85V–0230	Halloran Equities Corp., 7999 Route 130, Pensauken, New Jersey 08110.	Bratz Discotheque laser light shows assembled and produced by Halloran Equities Corp. incorporating Halloran Equities Class IV argon laser projector, Model 1.	Aug. 1, 1985–Aug. 1, 1987.
85V–0273	MHS, Inc., 8000 Madison Pike, Madison, Alabama 35758.	Laserpoint, Ltd. Aries, Scorpion, and 1000D Series of Class IV argon and/or krypton laser projection systems and for laser light shows produced by MHS, Inc./dba Meteor Light and Sound Company.	July 25, 1985–July 25, 1987.
85V–0324	Laser Spectacles, Inc., 9114 Bintliff, P.O. Box 740188, Houston, Texas 77274.	Class IV krypton Model 1001 LUXME Laser Projector and laser light shows produced and assembled by Laser Spectacles, Inc. containing this projector.	Aug. 2, 1985–Aug. 1, 1987.

In accordance with § 1010.4, the applications and all correspondence on the applications have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 26f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: October 21, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85–25673 Filed 10–28–85; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 85F–0469]

General Electric Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that General Electric Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polycarbonate resins

produced by the condensation of 4,4'-isopropylindenediphenol, carbonyl chloride, terephthaloyl chloride, and isophthaloyl chloride for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3898) has been filed by General Electric Co., Pittsfield, MA 01201, proposing that § 177.1580 *Polycarbonate resins* (21 CFR 177.1580) be amended to provide for the safe use of polycarbonate resins produced by the condensation of 4,4'-isopropylidenediphenol, carbonyl chloride, terephthaloyl chloride, and isophthaloyl chloride for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: October 17, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-25672 Filed 10-28-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84P-0264]

Grated Cheeses Deviating From Identity Standard; Extension of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the extension of a temporary permit issued to Sargento Cheese Co., Inc., to market test grated cheeses containing powdered cellulose as an anticaking agent. This extension will allow the permit holder to continue experimental market testing of the product while the agency takes action on a petition to amend the standard of identity for grated cheeses which the permit holder submitted jointly with other sponsors.

DATE: The new expiration date of the permit will be either the effective date of a final rule for any proposal to amend the standard of identity for grated cheeses which may result from the petition, or 30 days after termination of such rulemaking.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0101.

SUPPLEMENTARY INFORMATION: A temporary permit was issued under the provisions of 21 CFR 130.17 to Sargento Cheese Co., Inc., Plymouth, WI 53073, to market test grated cheeses containing powdered cellulose as an anticaking agent. The permit was issued in order to facilitate market testing of foods that deviate from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of issuance of the temporary permit to Sargento Cheese Co., Inc., was published in the **Federal Register** of September 4, 1984 (49 FR 34965).

Sargento Cheese Co., Inc., has requested that the temporary permit be extended so the market test period can continue while agency action on a petition to amend the grated cheeses standard proceeds. Sargento Cheese Co., Inc., in accoradance with 21 CFR 130.17(i), submitted a petition to amend 21 CFR 133.146 at the same time the application for extension was submitted. FDA is inviting interested persons to participate in the market test under the conditions that apply to Sargento Cheese Co., Inc., including the labeling requirements and the amounts of test product to be distributed except that the designated area of distribution shall not apply.

Any interested person who wishes to participate in the extended market test must notify, in writing, the Deputy Director, Division of Food Technology (HFF-211), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204. The notification must include the amount of test product to be distributed, the area of distribution, and the labeling that will be used for the test product (i.e., a label for each size, each variety, and each brand of product to be test marketed).

Therefore, under the provisions of 21 CFR 130.17(i), FDA is extending the expiration date of the permit such that the permit expires either on the effective date of a final rule for any proposal to amend the standard of identity for grated cheeses which may result from the petition, or 30 days after termination of such rulemaking. All other conditions and terms of this permit remain the same.

Dated: October 21, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-25669 Filed 10-28-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83P-0429]

Grated Cheeses Deviating From Identity Standard; Extension of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the extension of a temporary permit issued to Schreiber Foods, Inc., to market test grated cheeses containing powdered cellulose as an anticaking agent. This extension will allow the permit holder to continue experimental market testing of the product while the agency takes action on a petition to amend the standard of identity for grated cheeses which the permit holder submitted jointly with other sponsors.

DATE: The new expiration date of the permit will be either the effective date of a final rule for any proposal to amend the standard of identity for grated cheeses which may result from the petition, or 30 days after termination of such rulemaking.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0101.

SUPPLEMENTARY INFORMATION: A temporary permit was issued under the provisions of 21 CFR 130.17 to Schreiber Foods, Inc., Green Bay, WI 54305-5610, to market test grated cheeses containing powdered cellulose as an anticaking agent. The permit was issued in order to facilitate market testing of foods that deviate from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of issuance of the temporary permit to Schreiber Foods, Inc., was published in the **Federal Register** of January 26, 1984 (49 FR 3271).

Schreiber Foods, Inc., has requested that the temporary permit be extended so the market test period can continue while agency action on a petition to amend the grated cheeses standard

proceeds. Schreiber Foods, Inc., in accordance with 21 CFR 130.17(i), submitted a petition to amend 21 CFR 133.146 at the same time the application for extension was submitted. FDA is inviting interested persons to participate in the market test under the conditions that apply to Schreiber Foods, Inc., including the labeling requirements and the amounts of test product to be distributed, except that the designated area of distribution shall not apply.

Any interested person who wishes to participate in the extended market test must notify, in writing, the Deputy Director, Division of Food Technology (HFF–211), Center for Food Safety and Applied Nurtition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204. The notification must include the amount of test product to be distributed, the area of distribution, and the labeling that will be used for the test product (i.e., a label for each size, each variety, and each brand of product to be test marketed).

Therefore, under the provisions of 21 CFR 130.17(i), FDA is extending the expiration date of the permit such that the permit expires either on the effective date of a final rule for any proposal to amend the standard of identity for grated cheeses which may result from the petition, or 30 days after termination of such rulemaking. All other conditions and terms of this permit remain the same.

Dated: October 21, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–25670 Filed 10–28–85; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 85M–0479]

Drs. Lloyd R. and Mary L. Garren; Premaket Approval of Garren Gastric Bubble

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Drs. Lloyd R. and Mary L. Garren for premarket approval, under the Medical Device Amendments of 1976, of the Garren Gastric Bubble. After reviewing the recommendation of the Gastroenterology-Urology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by November 29, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James J. Park, Center for Devices and Radiological Health (HFZ–420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7750.

SUPPLEMENTARY INFORMATION: On July 25, 1984, Drs. Lloyd R. and Mary L. Garren, Wilmington, DE 19809, submitted to CDRH an application for premarket approval of the Garren Gastric Bubble. The device is a cylinder-shaped elastomeric plastic intragastric balloon. The Garren Gastric Bubble is indicated for use as a temporary adjunct to diet and behavior modification therapy: (1) To reduce the weight of those individuals who are at least 20 percent above the ideal weight (as defined in Metropolitan Life Tables of 1983) but have failed to reduce their weight with diet and behavior modification therapy alone and (2) where the expected benefits are greater than the risks of the procedure. On December 11, 1984, the Gastroenterology-Urology Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 17, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact James J. Park (HFZ–420), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before, November 29, 1985 file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: October 18, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85–25674 Filed 10–28–85; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

Assessment of Medical Technology; Hemofiltration as Substitute for Renal Dialysis

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, appropriateness, and use of hemofiltration as a substitution for renal dialysis. Specifically, this assessment seeks to determine: 1. What population or subsets of patients with renal dialysis might benefit from this technology? 2. If this therapy is

recommended as a safe and effective substitute for dialysis, can guidelines for patient selection be established? 3. What data exists to define other aspects of hemofiltration techniques that may be useful for some dialysis patients.

PHS assessments consists of a synthesis of information obtained from appropriate organizations in the private sector as well as from PHS agencies and others in the Federal Government. The assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than January 27, 1985.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well-designed clinical studies, and information related to the clincial acceptability and effectiveness of this technology. Porprietary information is not being sought.

Written material should be submitted to: Harry Handelsman, D.O., National Center for Health Services Research, and Health Care Technology Assessment, Park Building, Room 3–10, 5600 Fishers Lane, Rockville MD 20857, (301) 443–4990.

Date: October 22, 1985.

Enrique D. Carter, M.D.,

Director, Office of Health Technology Assessment, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 85–25780 Filed 10–28–85; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Prineville District Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 92–463 of a meeting of the Prineville District Admisory Council to be held November 27, 1985.

The meeting will take place at 10:00 a.m. in the conference room of the Bureau of Land Management office located at 185 East 4th Street, P.O. Box 550, Prineville, OR 97754.

The agenda will center on the following information items:

1. Two Rivers Resource Management Plan.
2. Omnibus Range Bill.
3. Intensive Grazing Management.
4. Riparian Area Management.

The meeting is open to the public. Anyone wishing to attend and/or make written or oral statements to the board is requested to contact the District Manager at the above address prior to November 22, 1985.

Summary minutes of the meeting will be available for review and reproduction within 30 days following the meeting.

Dated: October 21, 1985.

Maurice Ziegler,

Acting District Manager.

[FR Doc. 85–25526 Filed 10–28–85; 8:45 am]

BILLING CODE 4310–33–M

[F–14952–A2]

Alaska Native Claims Selection; Unalakleet Native Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance (DIC) to Unalakleet Native Corporation, notice of which was published in the **Federal Register** July 23, 1985, on page 30018, is modified by changing the land description.

A notice of the modified DIC will be published once a week, for four (4) consecutive weeks, in the *Nome Nugget.* Copies of the modified DIC may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until November 29, 1985, to file an appeal on the issue in the modified DIC. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given July 23, 1985, is final.

Joe J. Labay,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85–25738, Filed 10–28–85; 8:45 am]

BILLING CODE 4310–JA–M

[OR–36775]

Realty Action; Exchange of Public and Private Lands in Wasco County, OR

The following described lands have been determined to be suitable for disposal by exchange under section 206 of the *Federal Land Policy and Management Act of 1976,* 43 U.S.C. 1716:

T. 6 S., R. 13 E.,
Section 13.

A portion of Lot 1 comprising the L.V. Smart Cabin. One acre more or less.

This parcel was surveyed by BLM Cadastral Survey in 1984, which clearly reveals an existing cabin, controlled by the Deschutes Club, located on public lands. An error in the original survey, and subsequent maps illustrating the meander of the river led the builders to believe the site was on private land. As a result, the Bureau has issued a Land Use Permit to accommodate use of the parcel. This is considered an interim authorization, pending final action. The exchange would convey to private ownership lands with improvements constructed as a result of a survey error.

The Deschutes Club is offering about 46 acres at the confluence of Devils Canyon and the Deschutes River. The tract is described as:

T. 5 S., R. 13 E.,
S. 24;
Lot 8.

The exchange would provide for public ownership of approximately 1,320 feet of Deschutes River frontage, and legal access to public lands, along the Deschutes River Access Road. The public interest will be served by completing the exchange.

The exchange would be made on an equal value basis. Equalization of values would be achieved by adjustment of acreage, based on a fair market value appraisal of the property.

Publication of this notice segregates the public lands from operation of the public land laws for a period of 2 years from the date of publication.

Further information concerning the exchange, including the Environmental Assessment is available for review at the BLM Prineville District Office.

For a period of 45 days from the date of publication, interested parties may submit comments to B.L.M., Box 550, Prineville, Oregon 97754.

Dated: October 18, 1985.

James L. Hancock,

District Manager.

[FR Doc. 85–25550 Filed 10–28–85; 8:45 am]

BILLING CODE 4310–33–M

Albuquerque District, NM; District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of District Advisory Council Meeting.

SUMMARY: The Bureau of Land Management's (BLM) District Advisory Council will meet on November 22, 1985, at 10 a.m., in the Conference Room of the BLM's Rio Puerco Resource Area Office at 3550 Pan American Highway, Albuquerque, New Mexico.

The Council's first agenda item will be to review the current situation surrounding the BLM's management of the Pilar Section of the Rio Grande River. Comments from members of the public will be accepted prior to Council action on this topic.

Other items on the agenda include: BLM's proposed decisions regulating off-road-vehicles on the Rio Puerco Resource Area, the Bisti Wilderness Management Plan, and the possible designation of the El Malpais as a Wilderness Area. Time will also be allowed for comments from the public on these topics.

The District Advisory Council is managed in accordance with the Federal Land Policy and Management Act of 1976, The Federal Advisory Committee Act of 1972, and the Rangeland Improvement Act of 1976. Minutes of the meeting will be made available for review within 30 days following the meeting.

For additional information, contact R. Alan Hoffmeister, Public Affairs Specialist, P.O. Box 6770, Albuquerque, NM 87197–6770, (505) 766–2328.

L. Paul Applegate,

District Manager.

[FR Doc. 85–25752 Filed 10–28–85; 8:45 am]

BILLING CODE 4312–84–M

Bureau of Reclamation

Fallon Indian Reservation and Drainage System; Rescheduling of Scoping Workshop Date for Fallon Indian Reservation Irrigation and Drainage System Environmental Impact Statement

The Scoping Workshop date for the Fallon Indian Reservation Irrigation and Drainage System Environmental Impact Statement previously cancelled on page 36679 in the **Federal Register** of September 9, 1985, (50 FR 36679) has been rescheduled to November 18, 1985, at 7:30 p.m. in the Fallon Community Convention Center, 100 Campus Way, Fallon, Nevada.

The environmental impact statement will analyze the effects of constructing irrigation and drainage improvements on the Fallon Indian Reservation lands. The area consists of approximately 8,120 acres of land in Churchill County, Nevada, of which 5,440 acreas have valid water rights. The environmental impact statement will analyze the effects of increased water use, drainage and return flows to the Truckee River and the wetlands areas.

The contact person for this environmental impact statement is Joel Verner, Attention: MP–410, Telephone (916) 978–5049, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825.

Dated: October 23, 1985.

Joseph B. Marcotte,

Acting Commissioner.

[FR Doc. 85–25727 Filed 10–28–85; 8:45 am]

BILLING CODE 4310–09–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations; California et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 19, 1985. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 13, 1985.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

Alameda County

Fremont, *Patterson, George Washington Ranch—Ardenwood,* 34600 Newark Blvd.

CONNECTICUT

New Haven County

Guilford, *Eliot, Jared, House,* 88 Old Chaffinch Island Rd.

New London County

Ledyard, *Mashantucket Pequot Reservation,* Indiantown & Fanning Rds.

FLORIDA

Dade County

North Miami, *Arch Creek Historic and Archaeological Site,* 1855 NE One Hundred Thirty-fifth St. & Biscayne Blvd.

ILLINOIS

Adams County

Quincy, *Quincy East End Historic District,* Roughly bounded by Hampshire, 24th, State, and 12th Sts.

Clay County

Xenia, *Paine House,* Rt. 1, Box 19 A

Cook County

Chicago, *Gage Group—Ascher, Keith, & Gage Buildings,* 18–30 South Michigan Ave.

Chicago, *Logan Square Boulevards Historic District,* West Logan, North Kedzie, North Humboldt, Logan Square, and Palmer Square Blvds.

Chicago, *Smith, J.P., Shoe Company Plant,* 671–699 N. Sangamon Ave., and 901–921 W. Huron St.

Jackson County

Carbondale, *Reef House,* 411 S. Poplar St.

McLean County

Bloomington, *Cox, George H., House,* 701 E. Grove St.

Lexington, *Patton, John, Log Cabin,* Lexington Part District Park

Menard County

Petersburg, *Petersburg Historic District (Boundary Increase),* Smoot Hotal corner of 6th & Douglas

Ogle County

Mt. Morris, *Hitt, Samuel M., House,* 7782 ILL 64 West.

Sangamon County

Springfield, *Illinois State Capitol,* Capitol Ave. & Second St.

Tazewell County

Pekin, *Tazewell County Courthouse,* Court St. between Capitol & Fourth Sts.

IOWA

Scott County

Davenport, *Chicago, Milwaukee, St. Paul and Pacific Freight House (Davenport MRA),* 102 S. Ripley St.

KENTUCKY

Bracken County

Snag Creek Site (15BK2)
Turtle Creek Site (15BK13)

Carlisle County

Marshall Site (15 CE 27)
Turk Site (15 CE 6)

Clark County

Indian Fort Earthworks (15CK7)

Fayette County

Lexington, *Mentelle Park,* Mentelle Park

Greenup County

Lower Shawneetown Archaeological District

Kenton County

Covington, *Emery Row,* 810–828 Scott Blvd.

Knox County

Crowley—Evans Site (15KX24)

Logan County

Page Site (15L01)

Whitley County

Bowman Site (15WH14)

MARYLAND

Baltimore (Independent City)

Baltimore, *Young Men's & Young Women's Hebrew Association Building,* 305–311 W. Monument St.

Frederick County

Frederick vicinity, *Gambrill House,* Monocacy National Battlefield—MD 355

NEW JERSEY

Morris County

Parisppany-Troy Hills, *Craftsman Farms,* NJ 10 and Manor Lane

Union County

Elizabeth, *Union County Park Commission Administration Buildings,* Acme & Canton Sts.

NORTH DAKOTA

Adams County

Hettinger, *Adams County Courthouse (North Dakota County Courthouses TR),* 600 Adams Ave.

Barnes County

Valley City, *Barnes County Courthouse (North Dakota County Courthouses TR),* 491 Second Ave. NW

Burke County

Bowbells, *Burke County Courthouse (North Dakota County Courthouses TR),* Main St.

Burleigh County

Bismarck, *Burleigh County Courthouse (North Dakota County Courthouses TR),* E. Thayer Ave.

Cass County

Fargo, *North Dakota State University District,* Roughly bounded by N. University Dr., 12th Ave. North, Service Dr., and Campus Ave.

Dunn County

Manning, *Dunn County Courthouse (North Dakota County Courthouses TR), Owens St.*

Eddy County

New Rockford, *Dunn County Courthouse (North Dakota County Courthouses TR),* 524 Central Ave.

Emmons County

Linton, *Emmons County Courthouse (North Dakota County Courthouses TR),* Fifth St.

Golden Valley County

Beach, *Golden Valley County Courthouse (North Dakota County Courthouses TR),* First Ave. SE

Hettinger County

Mott, *Hettinger County Courthouse (North Dakota County Courthouses TR),* 336 Pacific St.

Kidder County

Steele, *Kidder County Courthouse (North Dakota County Courthouses TR),* Broadway Ave.

Logan County

Napoleon, *Logan County Courthouse (North Dakota County Courthouses TR),* 301 Broadway

McLean County

Washburn, *Former McLean County Courthouse (North Dakota County Courthouses TR),* Main St.

Washburn, *McLean County Courthouse (North Dakota County Courthouses TR),* Fifth Ave.

Ramsey County

Devils Lake, *Bangs—Wineman Block,* 402—408 Fourth St.

Ransom County

Lisbon, *Ransom County Courthouse (North Dakota County Courthouses TR),* Fifth Ave. W

Renville County

Mohall, *Renville County Courthouse (North Dakota County Courthouses TR),* Main St.

Richland County

Mooreton vicinity, *Bagg Bonanaza Farm District,* Off ND 13 on Section Rd.

Sheridan County

McClusky, *Sheridan County Courthouse (North Dakota County Courthouses TR),* 215 E. Second St.

Sioux County

Fort Yates, *Former Sioux County Courthouse (North Dakota County Courthouses TR),* Belden St.

Slope County

Amidon, *Original Slope County Courthouse (North Dakota County Courthouses TR),* Second St.

Amidon, *Slope County Courthouse (North Dakota County Courthouses TR),* Second St.

Stark County

Dickinson, *Stark County Courthouse (North Dakota County Courthouses TR),* Third St. N

Steele County

Finley, *Steele County Courthouse (North Dakota County Courthouses TR),* Washington Ave.

Towner County

Cando, *Towner County Courthouse (North Dakota County Courthouses TR),* Second St. S

Traill County

Mayville, *Delchar Theater,* 20 W. Main St.

Mayville, *First National Bank,* 22 W. Main St.

Mayville, *Goose River Bank,* 45 Main St. East

Mayville, *Grandins' Mayville Farm District,* 2 Brunsdale West

Mayville, *Grinager Mercantile Building,* 37 Main St. East

Mayville, *Lura Building,* 29 W. Main St.

Mayville, *Mayville Historic District,* Roughly bounded by 3rd St, 5th Ave., Main St., & 3rd Ave.

Mayville, *Union Block,* 21—25 Main St. West

Walsh County

Grafton, *Walsh County Courthouse (North Dakota County Courthouses TR),* 638 Cooper Ave.

Ward County

Minot, *Ward County Courthouse (North Dakota County Courthouses TR),* 315 SE Third St.

OHIO

Cuyahoga County

Cleveland, *Krause Building—Otto Moser's Cafe,* 2042—2044 East 4th St.

Hamilton County

Cincinnati, *Cummins School (Hannaford, Samuel and Sons TR),* 824 William H. Taft Rd.

Cincinnati, *Peeble's Corner Historic District,* Roughly E. McMillan St., and Gilbert Ave.

Lorain County

Lorain, *Broadway Building,* SE corner of W. Erie Ave. & Broadway

Lucas County

Toledo, *Bostwick—Braun Building,* 22—46 Summit St.

OKLAHOMA

Canadian County

El Reno, *Canadian County Jail,* 300 S. Evans

Cleveland County

Norman, *Moore-Lindsay House,* 508 N. Peters

Garfield County

Enid, *Broadway Tower,* 114 E. Broadway St.

Muskogee County

Fort Gibson, *Administration Building—Post Hospital (Fort Gibson Post-Civil War Military Buildings TR),* 803 Garrison Ave

Fort Gibson, *Commandant's Quarters (Fort Gibson Post-Civil War Military Buildings TR),* 905 Coppinger Ave.

Fort Gibson, *Officer's Quarters (Fort Gibson Post-Civil War Military Buildings TR),* 905 Garrison Ave.

Fort Gibson, *Post Blacksmith Shop (Fort Gibson Post-Civil War Military Buildings TR),* 905 Garrison Ave.

PENNSYLVANIA

Philadelphia County

Philadelphia, *Tulpehocken Station Historic District,* Roughly bounded by Germantown Ave., W. Walnut Lane, Penn Central RR tracks, & W. Tulpehoken St.

PUERTO RICO

Santurce County

Miramar, *Colegio de las Madres del Sagrado Corazon,* Ponce de Leon Ave.

TENNESSEE

Hamilton County

Chattanooga, *Lookout Mountain Caverns and Cavern Castle,* Scenic Hwy.

Knox County

Knoxville, *Southern Terminal and Warehouse Historic District,* Irregular pattern along Jackson & Central Aves., Gay & State Sts., and Vine & Depot Aves.

TEXAS

Travis County

Austin, *Barton Springs Archeological and Historical District,* SW of Barton Springs & Robert E. Lee Rds.

[FR Doc. 85–25801 Filed 10–28–85; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than November 8, 1985. Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, Ms. Melita E. Yearwood, (202) 632–3378, IRM/PE, Room 708B, SA–12, Washington, DC 20523.

Date Submitted: October 16, 1985
Submitting Agency: Agency for International Development
OMB Number: 0412–0012
Form Number: AID 282
Type of Submission: Extension
Title: Suppiier's Certificate and Agreement with AID—Invoice and Contract Abstract
Purpose: When AID is not a party to a contract which it finances, this form provides the means to collect information and is a basis on which to collect refunds or adjustments from suppliers in the event they do not comply with applicable AID regulations.

This information enables AID to keep records of its commodity expenditures which may be used for program management and for reports to Congress and OMB.

Reviewer: Francine Picoult (202) 395–7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, DC 20503.

Dated: October 16, 1985.

Fred D. Allen,

Planning and Evaluation Division.

[FR Doc. 85–25707 Filed 10–28–85; 8:45 am]

BILLING CODE 1616–01–M

INTERSTATE COMMERCE COMMISSION

Rail Carriers; Release of Waybill Data for Use by Economists Inc.

The Commission has received a request from Economists Incorporated on behalf of its client, B.F. Goodrich Company (Goodrich), for permission to sue the 1981 to 1984 Carload Waybill Sample. These data are needed to conduct certain analyses of competition involving rail shipments in connection with a Federal Trade Commission proceeding inquiring into the competitive consequences of a proposed acquisition by Diamond Shamrock Corporation of a chlorine/caustic soda plant owned by Goodrich. Specifically, the waybill data will be used to identify the relevant antitrust geographic market. This involves identifying the degree to which producers of chlorine in one region ae able to supply customers in other regions. This can be ascertained, in part, by observing existing rail shipment patterns extracted from waybill data covering the last four years. Neither company to the proposed acquisition is engaged in commercial motor carrier transportation.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after public notice is given and certain protective conditions are met. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party. (49 FR 40328, September 6, 1983.)

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Commission's Office of Transportation Analysis within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who filed objections will be timely notified of the Director's decision.

Contact: Elaine K. Kaiser (202) 275–0907.

James H. Bayne,

Secretary.

[FR Doc. 85–25710 Filed 10–28–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Act of 1984; Geothermal Drilling Organization

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98–462 ("the Act"), the Geothermal Drilling Organization ("GDO") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of its members and (2) the nature and objectives of the GDO. Notification was filed for the purpose of invoking the Act's provision limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the members of the Geothermal Drilling Organization and the GDO's objectives are given below.

GDO is an unincorporated association, consisting of the following members:

California Energy Company
Chevron Resources Co.
Republic Geothermal, Inc.
Steam Reserve Corp.
Union Geothermal Division
Foamair, Div. of Pool Co.
Dresser Industries
Geothermal Resources Int., Inc.
MCR Geothermal Corporation
Mono Power Company
Sandia National Laboratories
Eastman Whipstock
NL Industries
Pajarito Enterprises
H&H Oil Tool Co., Inc.
Dailey Directional Services

The Geothermal Drilling Organization was formed in March, 1984, as a forum for solving problems associated with

geothermal well drilling. GDO's objective is to encourage technological improvements that may reduce the cost of drilling and maintaining geothermal wells. Individual members of the GDO participate in the research projects of interest to them. The first set of projects include the research and testing of such projects as:

(1) An acoustic borehole televiewer capable of functioning at high temperature and pressure;

(2) Elastomeric blowout preventer seals and drill pipe protectors that can withstand the high temperatures and corrosive environment in a geothermal well; and

(3) Rotating head seals that function as blowout preventers.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85–25736 Filed 10–28–85; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirement Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its reponsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirement Under Review:

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extension, or reinstatements. The Department Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202 532–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N–1301, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, Telephone 202 395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, D.C. 20503.

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Employment and Training Administration

Preliminary Estimates of Average Employer Tax Rates
1205–0228;
Annually
State or local governments
53 respondents; 14 hours

The average rate collected from States is used to compare average tax rates among States by the National office and State agencies and along with the current tax rate schedule are used to certify that a State is complying with the law.

Extension

Employment and Traning Administration

Producers/Purchasers Survey Data Request
1205–0191; ETA 8566
On occasion
Businesses or other for profit; Small businesses or organizations
60 respondents; 105 burden hours; 1 form

To acquire aggregate statistics needed by the Secretary of Labor to make determinations of eligibility of petitioning workers to apply for worker trade adjustment assistance in accordance with section 223 of the Trade Act of 1974 as amended.

Employment and Traning Administration

Petition for Adjustment Assistance
1205–0192; ETA 8569 & ETA 8559 (Spanish Version)
One-time only
Individuals or households; Businesses or other-for-profit and Small businesses or organizations.
1,100 respondents; 275 hours; 1 form

Petition used by American workers applying to U.S Department of Labor for eligibility to receive worker trade adjustment assistance in accordance with provisions of the Trade Act of 1974 as amended. The petition initiates action on part of the Department to determine if workers are eligible.

Employment and Training Administration

Standard Questionnaire for Manufacturing Firms
1205–0194; ETA 8561 A/B/C
When needed
Businesses or other for-profit; Small businesses or organizations
700 respondents; 2,800 hours; 1 form

Data and information needed to prepare Secretary of Labor reports to the President under sections 202 and 224 of the Trade Act of 1974 as amended which is used in determining type(s) of import relief, if any, to be granted to import impacted industries.

Mine Safety and Health Administration

Record of All Certified and Qualified Persons
1219–0049
Quarterly
Businesses and other for profit; small businesses or organizations
4,925 respondents; 1,635 hours

Requires coal mine operators to maintain records of certified and qualified persons who are designated to perform mandatory safety duties.

Pension and Welfare Benefits Programs

Prohibited Transaction Class Exemption 79–1 and Recapture Exemption
1210–0059
Businesses and other for profit; small businesses or organizations
707,290 responses; 141,458 hours

This class exemption exempts from the prohibited transaction restrictions of ERISA the effecting or executing of securities transactions on behalf of an employee benefit plan by a person who is a fiduciary with respect to the plan and who is acting in such transactions as agent for the plan.

Signed at Washington, D.C., this 24th day of October 1985.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 85–25799 Filed 10–28–85; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Avtec Fibers, Inc., et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 8, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 8, 1985.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 21st day of October 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date receive	Date of petitionf	Petition No.	Articies producedd
Avtex Fibers, Inc, (workers)	Front Royal, VA	9/30/85	9/27/85	TA-W-16,557	Research and development staff for the production of rayon staple fibers.
CG Manufacturing Co (workers)	Taunton, MA	10/2/85	9/25/85	TA-W-16,558	Siverplate Holloware serving pieces.
Conaway-Winter, Inc. (UFCW)	Birch tree, MO	10/15/85	10/1/85	TA-W-16,559	Children's shoes.
Delta International (company)	Tupelo, MO	10/15/85	10/11/85	TA-W-16,560	Heavy duty table saws, shappers, jointers and planers, industrial products, building trade products, homeshop products.
Foote Mineral Co. (workers)	Exton, PA	10/8/85	10/3/85	TA-W-16,561	Ferroalloys.
Hansley Industries, Inc. (ACTWU)	Paris, KY	10/17/85	10/15/85	TA-W-16,562	Men's and boy's swimwear.
Lehigh Structural Steel Co. (workers)	Allentown, PA	10/16/85	9/17/85	TA-W-16,563	Fabricated structural steel.
Remington Arms Co., Inc. (Employees Mutal Association)	Ilion, NY	10/7/85	9/30/85	TA-W-16,564	Sporting firearms.
Terry Footwear (company)	Paterson, NJ	10/17/85	10/10/85	TA-W-16,565	Children's shoes and slippers.
Union Apparel, Inc. (workers)	Norvelt, PA	10/15/85	10/8/85	TA-W-16,566	Men sportscoats.
Whelling Pittsburgh Steel Corp., Coke & By-Products Dept. (USWA).	Monessen, PA	10/2/85	9/30/85	TA-W-16,567	Coke, agricultural fertilizer base, phenal, coal tar base, etc.
Amtex, Inc. (workers)	Cleveland, TN	10/15/85	10/11/85	TA-W-16,568	Fabric for clothing industry.
Glenn Manufacturing (workers)	Morven, NC	10/10/85	10/7/85	TA-W-16,569	Bedspreads, conforters, shams, shower curtains and mattress pads.
H. Margolin Co. (workers)	Fitchburg, MA	10/2/85	9/26/85	TA-W-16,570	Leather handbags.
Jack Winter, Inc. (ACTWU)	Milkwaukee, WI	10/17/85	10/15/85	TA-W-16,571	Warehouse and office—(ladies sportwear).
SGA Scientific (IUE)	Bloomfield, NJ	10/9/85	9/30/85	TA-W-16,572	Glass test tubes, beakers, thermomenters, hospital supply equipment.
SGL Electronics (IUE)	Westville, NJ	10/9/85	9/30/85	TA-W-16,573	Magnetic transformer plates.
(The) West Co. (URW)	Phoenixville, PA	10/11/85	10/8/85	TA-W-16,574	Pharmaceuticals closures, Compression molded rubber closures, metal closures, injection molded closures.

[FR Doc. 85–25794 Filed 10–28–85; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Annual List of Labor Surplus Areas

Correction

In FR Doc. 85–24376, beginning on page 41606 in the issue of Friday, October 11, 1985, make the following corrections to the Labor Surplus Areas Eligible For Federal Procurement Preference From Oct. 1, 1985 Through Sept. 30, 1985 table:

1. On page 41606, under "Alabama":

a Under *Eligible labor surplus areas,* "Montgomery County" should read "Montgomery City".

b. Under *Civil jurisdictions included,* "Montgomery County" should read "Montgomery City in Mongomery County".

2. On page 41607, under "California", *Eligible labor surplus areas,* "Merced City" should read "Merced County".

3. On page 41608, under "Indiana", *Eligible labor surplus areas,* "Ft. Wayne City County" should read "Fort Wayne City".

4. On page 41608, under "Louisiana":

a. Under *Eligible labor surplus areas,* add "Iberville Parish" after "Iberia Parish."

b. *Under Civil jurisdictions included,* add "Iberville Parish" after "Iiberia Parish."

5. On page 41601, under "Ohio", *Civil jurisdictions included,* add ", Montgomery County" after "Dayton City in Greene County".

6. On page 41612, under "Texas, *Civil jurisdictions included, a*dd ", Harlingen City" after "Cameron County less Brownsville City".

BILLING CODE 1505-01-M

Office of Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m., on Wednesday, November 13, 1985, in Conference Room N–4437C, U.S.

Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

The purpose of the meeting is to discuss the following items on the Agenda summarized below:

1. ERISA Administration—Overview.
2. Advisory Council Work Group Reports:

a) ERISA Enforcement,

b) Reporting and Disclosure/ Electronic Filing,

c) Welfare Benefit Plans.

Individuals or organizations wishing to submit written statements pertaining to the items on the Agenda or any other aspects of ERISA, should send 20 copies to Edward F. Lysczek, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room S4522, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 523–8753. Papers will be accepted and included in the record of the meeting if received on or before November 11, 1985.

David M. Walker,

Deputy Assistant Secretary, Office of Pension and Welfare Benefit Programs.

October 24, 1985

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Occupational Safety and Health Administration

Voluntary Protection Programs To Supplement Enforcement and To Provide Safe and Healthful Working Conditions; Notice of Changes

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of Changes to the Voluntary Protection Programs.

SUMMARY: OSHA announces the modification of the conditions and requirements for the Voluntary Protection Programs (VPP) which initially were announced for implementation on July 2, 1982 (47 FR 29025). The three programs, Star, Try and Praise, which comprise the VPP were developed from ideas published for public comment on January 19, 1982 (47 FR 2796). The programs are designed to seek out and recognize companies with exemplary safety and health programs and to provide a model and a means to those employers who wish to improve their safety and health programs as a way of expanding worker protection.

Companies, general contractors, and organizations which represent groups of employers of the same industry and same geographic location may volunteer for participation in these programs if they meet specified programmatic safety and health criteria and go beyond OSHA standards in providing safe and healthful workplaces or develop a convincing plan to do so. In return, OSHA will work cooperatively with approved participants to assure continued or improved employee safety and health protection. This cooperative effort includes removal of the participants from programmed inspection lists, giving priority attention to variance requests and providing both offsite and onsite assistance in the resolution of problems affecting employee safety and health.

OSHA has gained new insights in over three years of experience with the VPP and, therefore, has made changes to simplify, adjust and clarify the requirements and conditions of the VPP which were described in the announcement of implementation (47 FR 29025).

EFFECTIVE DATE: December 2, 1985.

FOR FURTHER INFORMATION CONTACT: James Foster, Room N3637, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW. Washingon, D.C. 20210, (202) 523–8148.

SUPPLEMENTARY INFORMATION:

I. INTRODUCTION

A. Background.

On January 19, 1982, the Occupational Safety and Health Administration ("OSHA" and the "agency") published in the **Federal Register** a notice (47 FR 2796) requesting information and comment about several possible intitiatives to provide incentives for voluntary safety and health protection efforts by employers and employees. The agency invited public comment on the specified programs and requested suggestions for alternative programs. Comments were to be submitted by March 15, 1982.

The agency received numerous comments from businesses, unions, trade associations, State Labor Departments, and others. All submissions were made part of the official record and were considered.

Based on the agency's analysis of these comments, on July 2, 1982, (47 FR 29025), OSHA announced implementation of three Voluntary Protection Programs which contained in a simplified form the most desirable aspects of the program ideas addressed by public comment.

During the first year of implementation OSHA reviewed approximately 28 formally submitted applications to the VPP which covered more than 40 sites. There were 17 sites approved for participation in the VPP between the effective date for implementation, July 6, 1982, and the program's first year anniversary. As of this date there are 41 sites participating in the VPP. OSHA now has experience with all major aspects of the VPP described in the implementation notice, with the exception of termination by OSHA for cause. The changes herein are based on that experience.

These changes and clarifications concern the policies set forth in the original implementation notice. The procedures used by OSHA in carrying out the policy are contained in OSHA's field directives system.

B. Statutory Framework.

The Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. (the "Act" and the OSH Act"), was enacted "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources."

Section 2(b) specifies the measures by which the Congress would have OSHA carry out these purposes. They include the following provisions which establish the legislative mandate for the Voluntary Protection Programs.

". . . (1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safer and healthful working conditions;"

". . . (4) by building upon advances already made through employer and employee intiative for providing safe and healthful working conditions;"

". . . (5) by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;"

". . . (13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment."

C. Structure of Notice.

Section II deals with OSHA's experience with VPP over the past three years and the findings that focused on the needs for revisions.

Section III is a discussion of the actual changes made in VPP.

Section IV spells out the revised VPP and supercedes 47 FR 29025.

II. The Voluntary Protection Programs Experience.

A. The Three Programs.

1. *General.* 47 FR 29025 set forth the goals of three programs (Star, Try and Praise), the qualifications for approval of applicants for the programs and OSHA's responsibilities under the three programs.

2. *The Star Program.* The earlier **Federal Register** notice described the Star Program as "aimed at those workplaces having superior safety and health programs that go beyond OSHA standards in providing worker protection, through either employee participation or management initiative efforts" and as "designed to demonstrate that good safety and health programs can prevent injury and illness." The Star Program was open to worksites of all industries, provided that the worksite meets the requirements for either the employee-participation alternative (to which the construction industry was limited) or the management-initiative alternative. The two alternative differed primarily in that the employee-participation alternatives required a joint labor-management committee meeting requirements aimed at ensuring a strong role for employee representatives in safety and health monitoring and in providing advice to management. In the employee-participation alternative, as in all the VPP, OSHA still placed the responsibility for maintaining a safe and healthful workplace upon the employer, as required by Section 5 of the Act. The requirements of this alternative were not intended to increase union liability. The management-initiative alternative, while encouraging joint labor-management approaches, did not require them. Instead, it required that management conduct routine site inspections and accident investigations and provide the results from them to employees upon their request, conduct routine job hazard analysis, utilize documentable line accountability for safety (and health) and conduct annual internal self-evaluations.

The Star Program provided for approval under both alternatives to cover safety and health or either alone.

3. *The Try Program.* The Try Program was designed to be a broader, more flexible program leading to Star. Try provided the time and guidance for worksites who wish to work toward Star. It was also designed to provide for experimental projects to determine the effectiveness of safety and health systems that were different from those required by Star, but that the applicant thought produced Star-quality results. Like Star, Try provided employee-participation and management-initiative alternatives, with the same types of distinctions in requirements. The Try employee-participation option requires "some aspect of active (rather than passive) employee participation." Try management-initiative requirements were the same as for Star but these program aspects needed only to be ready to be put in place rather than to be well established as in Star.

4. *The Praise Program.* The Praise Program was designed as "a very different concept than Star or Try." This program was directed toward worksites in "low-hazard industries" which do not normally receive general schedule OSHA safety inspections. Praise was geared to be more of a recognition program for safety efforts of firms with which OSHA usually does not have much contact. Praise, because approval was based heavily on injury rates, covered safety only. There were no alternatives within Praise.

B. Approval Requirements.

An employer wishing to participate in any one of the three programs was required to send an application to OSHA describing how the worksite met the requirements of the VPP for which application was made. Because of the need for a completely cooperative atmosphere for these programs, unionized site applications were not considered without support of the authorized collective bargaining agents.

When OSHA reviewers decided that they had a complete application that appeared to meet the requirements, the employer was contacted and a mutually convenient time was arranged for a team of OSHA employees, who were not currently involved in enforcement, to go onsite to determine whether or not the program described was actually being implemented and whether or not it was adequate for the potential hazards at the site. If the team determined this to be true, they included a recommendation for approval to the Assistant Secretary in the report they submitted. If the Assistant Secretary concurred with the recommendation, a letter of approval was sent to the applicant.

C. Post-Approval Interaction With OSHA.

After approval, Praise Program participants were required to send their injury rates to OSHA each year. Try participants were to be evaluated onsite each year and Star participants were to be evaluated onsite every three years. OSHA provided a contact person to each participant to furnish safety and health assistance and expertise upon request. Enforcement actions, by the Area Office having jurisdiction, could be promoted only by formal, valid employee complaints, serious accidents and/or fatalities in all three programs. If, for example, health was not covered by an approval, as in Praise, the site was subject to health inspections.

D. Termination of Participation.

Try Program participation was approved for a set period of time agreed upon before approval by OSHA and the applicant. At the end of that time, Try participants were expected to be approved for Star or dropped from the VPP. Try Programs were also subject to termination by decision of the employer (or, where unionized, the collective bargaining agent) or OSHA.

Praise and Star approvals could only be terminated by decision of the employer (or, where unionized, the collective bargaining agent) or OSHA.

In construction, Star and Try Programs were also concluded by completion of construction at the approved site.

E. Experience With the VPP.

As of October 25, 1985, there were 41 sites in all three programs. There were 30 in Star, seven in Try, one Demonstration Program and three in Praise. Fifty-four (54) sites had been approved, but 13 sites were no longer in the program due to completion of construction work, voluntary withdrawals or plant closings. The sites in the program cover about 40,000 employees. About forty-five percent of these employees are at unionized sites.

While only 66 applications, covering approximately 80 sites, have been received, the quality of the worksites approved has generally been very good. Experience with the programs as described has been very favorable.

Employees at approved sites generally are positive toward the VPP. At one power plant construction site, employees asked that the Star flag be moved from the general entrance and relocated to their own entrance because "it's *our* flag." At a small chemical plant, employees asked that the flag be flown at the visitors' entrance so "everyone will know we are Stars." Employee excitement about possible Star approvals is evident to the VPP onsite teams and at least once resulted in the setting of new production records.

Employers are also very positive about VPP participation. One Safety Manager said ". . . we see Star as the east management tool to reduce injuries and illness in the workplace . . . available . . ." Another said ". . . the

cooperation has been outstanding . . ." The consensus seems to agree with another Safety Manager who added "the uplift in morale is well worth the time spent."

To date OSHA's experience has been much greater with general industry than with construction due to completion of many construction projects before more than one year in VPP. Although the resultant data are limited, OSHA notes that where VPP has covered a construction site for at least two consecutive years there have been reductions in injuries.

It is clear that the general industry VPP participants are successful safety and health managers. The average injury rates for Star participants are nearly 70% below their industry averages, and the median lost workday case rate for Star participants is 80% below the averages for their industries. Despite their already excellent records, many have shown even further improvement under Star. Praise participants' average lost workday case rates are significantly below the average for the entire private sector. That means few of the Star and none of the Praise participants would receive a full inspection even if not removed from the scheduled inspection list by virtue of participation in VPP. OSHA's goals, therefore, of providing recognition to outstanding employers and demonstrating the importance of comprehensive safety and/or health programs in the prevention of workplace injuries have been well served by the high standards set by the programs as announced.

Of the approved sites, nine were in the Try Program long enough to be evaluated after a year or more. In all nine cases, progress had been made toward qualification for Star. One of the sites had made an impressive leap forward to very near Star status in one year's time and was approved for Star at the end of two years. Another, which had its safety program approved for Star at the time of the original application, had improved its health program sufficiently to qualify for Star in one year. A construction site improved its health program sufficiently within a few months to quality for Star and requested an early evaluation. Both management and randomly selected employees at these sites were pleased with the program and felt it had made a positive difference. All the general industry Try Program participants together had cut their injury rates in half during the first full year of the program.

OSHA has found that the two most critical ingredients common to all VPP participants are a deep and abiding management commitment to providing a safe and healthful workplace, and active employee involvement in the safety and health program. Management commitment at successful VPP sites is most often expressed by direct involvement of top level management in the safety and health program, by top management's positive example of following all safety and health rules, by management's providing necessary resources to address safety and health concerns in a timely manner, and by management's demonstration that safety is as important as quality and productivity and that if a job cannot be done safely, it will not be done. The most successful VPP participants involve their employees in a variety of ways. Over 75% have some type of joint safety committee. The safety committees vary in size, composition and responsibility depending on the needs of the site and the management of the organization. Other participants involve their employees as safety and health trainers of other employees, as members of ad hoc safety and health problem-solving committees, and in planning and conducting safety and health awareness programs.

Problem Areas

Several problems with the VPP surfaced in these first years of experience, many of them arising from or affecting construction. The first of these, however, has to do with the way the VPP are perceived.

• *Perception of VPP*—In a limited survey of employers in late 1983,[1] OSHA was told that a wide range of misconceptions and fears exist in the public perception of VPP, stemming from a basic distrust of OSHA. These included perceptions that the programs lack sufficient incentives for employers and that the application process is burdensome, confusion about the differences among the three programs, and fears that VPP participation might lead to OSHA interference or enforcement actions. These perceptions are important because it is obvious that, while the number of applications remains fairly steady, there are large numbers of employers who could qualify for one or more of the VPP but who have not applied. If the agency is to increase the number of VPP sites, as recommended by the Office of Technology Assessment in the recent report entitled "Preventing Illness and Injury in the Workplace," these concerns must be addressed.

Fortunately, companies participating in the VPP have very different perceptions, and their positive experiences should dispel these identified concerns. In April of 1984, OSHA held a meeting with VPP participants to discuss the survey findings and to establish a clearer understanding of the incentives for participation in the programs. A videotape on VPP was made utilizing some of the participants' comments rebutting these findings, and a hand-out for potential applicants was prepared quoting additional participant statements concerning their positive experiences with OSHA and the VPP to counteract these negative perceptions. Participants have also spoken before a variety of public meetings to give those groups a first-hand view of what cooperating with OSHA can be like.

• *Approved Site Attrition*—Another problem concerned the economic viability of some of the sites approved early in the experience of the program. Two plants supplying services or supplies to ailing industries left the Try Program because the plants were closed. One plant that closed in late 1984 attributed to the Try Program its having lasted two more years than it would have otherwise. Two other plants withdrew from Try because of lack of resources to put into achieving and maintaining Star requirements. These closings, combined with expected construction completions and one withdrawal resulting from a complete management change, slowed the total growth of the VPP.

• *Separation of Safety and Health*—The July 1982 **Federal Register** Notice (47 FR 29027, 29028) clearly provided the opportunity to apply for safety coverage only or health coverage only. Of the 49 sites approved for Star and Try Program participants, seven chose to cover safety only and three had their safety programs approved for Star and their health programs approved for Try. Currently there are [five] participants covering safety and health and [one] with Star for safety and Try for health. The Praise Program was limited to safety only. After three years' experience with the VPP, OSHA has found that it is very difficult to separate health from safety when considering management systems for worker protection. If, as in the Try Program, we are assisting management in diagnosing and correcting worker protection problems, it appears contrary to the philosophy of the program to ignore the possibility that there are health problems that may also need

[1] ICF Incorporated and Porter, Novelli and Associates, "Summary of Findings and Recommendations, Private Sector Attitudes Toward OSHA Voluntary Protection Programs (Star, Praise and Try)," April 11, 1984, pp. 4–7.

diagnosis and correction. In the Star Program, it appears unwise to provide recognition to the worksite management for having an outstanding worksite safety program if there is uncertainty whether the workers at that site are receiving equal protection from health hazards.

Even in industries such as construction, where OSHA has not successfully impacted sites through health inspections, there are health hazards such as asbestos removal; welding of toxic metals; sand blasting with silica; and exposure to solvents, paints, coatings and other chemical materials. OSHA has had good experience in three construction sites with VPP coverage for health and is satisfied that effective construction health programs can be developed. The case for requiring health coverage at general industry sites is even clearer.

• *Construction*—In formulating the requirements for safety and health programs, OSHA relied upon several sources. For the requirements of the management initiative version of the programs, OSHA relied upon a considerable body of literature that outlined appropriate management tools for controlling or preventing occupational hazards. For the employee participation version, very little could be found in literature which dealt directly, with worker safety and health.

The State of California had begun an experimental program utilizing joint labor-management committees for construction safety self-inspections in 1979 which reportedly had good results at several construction worksites in that State. OSHA's employee participation program was based, in part, on that experimental program, in part on literature description of basic safety and health programs and, in part, on the advice of the Construction Advisory Committee in Occupational Safety and Health.

At the time of implementation, just as today, there was no body of literature concerning management systems for controlling hazards in the construction industry. It was decided therefore to limit the construction industry to the employee-participation version of the programs because of the unique and hazardous nature of construction and the need for cooperation between employees and management to alleviate those hazards. General industry was not likewise limited. While injury rate reduction and visible program improvements were found where the management-initiative alternative was used, the results from the employee-participation alternative were mixed. Since the employee-participation alternative was required for construction and never chosen by a qualified general industry applicant, all employee-participation sites are in construction. Evaluations of these sites indicated that better than average employee involvement was maintained, but that such involvement is not enough by itself to bring the full benefit to construction that has been experienced in the general industry management-initiative sites. The employee-participation alternative places too heavy a burden on the joint labor-management committee by not requiring stronger management controls to support and supplement its work. In fact, the best records in construction were set where management approaches similar to the management-initiative requirements were in place even though not required by the VPP. There is, however, no body of literature or record of any sort clearly providing a demonstration of which or how many management tools are appropriate for the construction industry.

The requirement for a labor-management committee in construction had one further impact. The original requirement for a labor-management committee came from "the unique nature of the construction industry, particularly the seriousness of hazards, changing worksite conditions, its expanding and contracting workforce and high turnover." [2] Such conditions, it was felt, require not only the broad participation of employees in safety and health matters, but the actual representation of employees in the identification and correction of hazards. Representation in the full sense would require that employees be elected to a joint labor-management committee by all employees or be selected by a duly authorized collective bargaining agent. After consulting with the National Labor Relations Board, OSHA decided that accepting applications for the employee-participation alternative from non-unionized employers who offer to hold elections for employee representation would place that employer in jeopardy of being found in violation of the National Labor Relations Act. Therefore, OSHA decided to accept applications for employee-participation versions of Star or Try only from union employers. In general industry this decision had only minor impact because the management-initiative alternative was the almost universal choice for applicants. Out of 56 applicants, the only qualified applicants that have selected the employee-participation alternative have been in the construction industry. In construction, however, non-unionized contractors were effectively excluded from the VPP by OSHA's policy decision.

Injury incidence rate requirements for the construction industry have presented a problem to OSHA in reviewing applications. Since the applicant is often a general contractor with few employees at the site, the applicant's past rate experience may not be completely relevant to the site for which application is made. In addition, not all the subcontractors who will have workers at the site during the life of the construction site may be known at the time of application. Even if they were known, finding three years of relevant injury data for all subcontractors and developing this information into one average rate is not practical.

Several commentors have suggested that Workers' Compensation data is reflective of a firm's safety performance and that the experience modification rating (EMR) of a firm can be used as a comparative measure of safety performance between individual firms. Because these data are already available and widely used, OSHA carefully evaluated the rating system to determine whether the EMR accurately measures safety performance and might be used for comparison among firms.

OSHA found that the EMR is a single measure of an entire firm and may tell little about specific construction projects. Also, different rating formulae are used in different states, and the states have significant variations in coverage and benefit levels. Altogether, preliminary indications are that Workers' Compensation information is not an adequate indicator of worksite safety performance or a fair basis for making comparisons between specific worksite projects.

• *Variance Consideration*—Priority consideration for variances was originally listed as an incentive for VPP participation. No participant has requested such consideration. Further, there has been some misinterpretation of the intent of this aspect of the VPP. Although OSHA intended no more than to place a VPP participant's application on the top of the stack rather than require it to wait for earlier applications to be processed, critics construed that OSHA would not require an alternative method of protection to be at least as effective as that required by the standard.

• *Other*—Finally, there were certain areas in the program announcement that are vague, misleading or ambiguous. Most of these areas have been clarified

[2] 47 FR 29027.

through interpretation in the Voluntary Protection Program Manual (CPL 5.1).

Incentives for Participation

These problems taken as a whole have not diminished the value of the VPP or significantly reduced the incentives for applying for the companies who are participating in VPP. From its experience with current participants, OSHA has determined that the major incentives for applying to the VPP are the recognition provided by the Federal government that the employer is doing a good job (more than required by standards) in providing a safe and healthful workplace and the opportunity to work cooperatively with OSHA. In most cases to date, removal from the OSHA programmed inspection list is an incentive for the successful VPP applicant primarily for its symbolic significance. Participants have indicated other positive outcomes represent more incentive for them. For example, the increased management and employee involvement in safety and health has frequently improved productivity and morale and reduced management costs.

• *Improved Productivity and Morale*—Georgia Power, which has two power plant construction sites in the Star Program covering more than 13,000 workers, believes the Star Program has increased pride, morale and productivity. Combustion Engineering which has had seven sites approved for Star and Try, feels that the VPP fill needs for recongition, increasing employee morale and improving safety awareness. Ortho Diagnostic Systems used the Praise Program to improve production and efficiency.

• *Reduced Costs*—Hensel Phelps saved an estimated $1.5 million in workers' compensation costs at one of its two construction sites approved for the VPP. Additionally, Mobil Chemical Company, which has launched an effort to qualify all eligible plants for Star and to self-certify plants outside OSHA jurisdiction using the same requirements, has reported that this effort has reduced injuries by 11 percent and workers' compensation costs by 48 percent company-wide.

• *Employee Awareness and Involvement*—Employee interviews conducted by OSHA VPP evaluation team members have indicated that employees feel VPP participation has increased their involvement in and awareness of the safety and health program. One employee remarked that his employer's application to and staying in the Try Program indicated an interest in the well-being of workers rather than just what they can produce. A union official remarked that no OSHA inspector could ever provide more thorough or effective hazard identification and control than management and workers at the site with their knowledge of daily changing conditions.

• *Conclusion*—While the VPP cover only a small portion of the workers under OSHA jurisdiction, they have demonstrated the high quality of worker protection which can be achieved through employer-initiated efforts encouraged by a Federal agency. OSHA believes that the VPP are contributing to the Agency's legislative mandate to assure ". . . so far as possible . . . safe and healthful working conditions . . ." but that the changes announced here will strengthen their effectiveness while simplifying them for easier public understanding.

III. Discussion of Program Changes.

A. Summary.

OSHA has relied upon the experience of the VPP participants and its staff in making changes announced here. Those changes simplify, adjust and clarify the VPP without changing the cooperative nature of the program.

"Employee-participation" and "management-initiative" alternatives are combined to form a single Star and a single Try program, with only minor variations in the requirements for general industry and construction. This has strengthened the management requirements for construction and the employee participation and contractor requirements for general industry.

Health and safety programs are no longer separated.

The concept of employer-provided, site-specific safety and health programs has been clarified through the specification of basic elements similar to those developed for OSHA's 7(c)(1) Consultation Program. Other changes pull together all the general and specific requirements for each program in one place and clarify those requirements where possible. Some areas touched on briefly in the July 2, 1982, announcement are described more completely to provide a better understanding of the VPP as they have been implemented.

The Try Program is changed to reflect its primary use as a stepping-stone to reach the Star Program. The use of Try for evaluations or the demonstration of alternative approaches is replaced by a separate demonstration program.

The Praise Program has been eliminated in favor of using the Star Program to recognize outstanding safety and health protection in all industries.

Priority consideration for variances has been dropped.

None of the changes is intended to affect the rights and responsibilities afforded employers and employees by the Act.

B. Employee Participation and Management Initiative: Consolidation.

In addition to the problems with the employee participation and management initiative alternatives discussed in Section II, the existence of the two alternatives within Star and Try has added to the complexity of the VPP and has probably caused undue confusion.

OSHA has, therefore, consolidated the two alternatives while still providing for some differences between construction and general industry. The employee-participation element of the safety and health program for construction retains most of the same labor-management committee requirements originally announced for the Star employee-participation alternative while general industry participants may choose among a variety of employee involvement alternatives. The agency is retaining the labor-management committee requirements for construction pending experience with demonstration projects to test the adequacy of management controls in construction and to determine which and how many produce effective results without a labor-management committee meeting the current requirements. This effort should allow OSHA to build the record now missing.

C. Construction/General Industry Changes.

1. *Experience Qualification.* The amount of time that the labor-management committee must have been operational in construction has been changed. Construction committees had been exempt from the one-year operational experience requirement originally announced. This exemption has been removed for Star. Now, all elements must be in place and implemented for a period of not less than a year before Star approval at both general industry *and* construction sites. This will result in some construction sites not being approved for Star because the duration of work at a site is too brief. OSHA believes, however, that the prestige and credibility of the Star Program requires that the applicant be able to demonstrate that management and employees at each specific site can (and have) successfully sustain(ed) an outstanding safety and health program for at least one year before approval.

OSHA has also changed the requirements for the Construction Industry Try Program to include a

minimum of three months' experience by the joint labor-management committee in providing safety and health inspections. The change is based on OSHA's experience that at least three months are required to get joint committees functioning well enough for the pre-approval review assessment. OSHA has found instances where applicants were awaiting VPP approval before naming committee members. Under these circumstances, there was little for OSHA to review on the site that would assure that the program would work as designed. A three month period allows time for committee member training and familiarization with the routine functions of the committee. Admittedly, three months is a significant period of time for a construction site projected for completion in one year. However, OSHA considers construction hazardous enough to merit these precautions.

2. *Management Responsibility.* For management accountability, all contractor project superintendents at a site must clearly be held accountable for the safety and healthfulness of their employees' working conditions. In general industry, documented accountability is still required for all line managers and supervisors. Self-evaluations for safety and health programs are required for construction sites annually or at the completion of the site, whichever comes first. Hazard analysis is required for both general industry and construction. The revisions also include specific requirements for management self-inspections and accident investigations.

3. *Site Injury Rates.* As changed, Star Program approval is reserved for sites with one year's injury rate experience at or below the industry average at the site for which application is made. This would effectively exclude most short duration construction projects form the Star Program. (The requirements for the programas previously announced already effectively excluded projects of short duration because of compexity and the need for a minimum of one year's experience for a meaningful program evaluation to be conducted.) This requirement also will, in many cases, preclude an initial Star approval. Generally, the site will have to participate in Try for one year while collecting injury rate data even if all the required safety and health program elements have been in place for at least a year because, in most cases, rates are not now kept collectively for all employees at a construction site.

Injury rate requirements for general industry remain unchanged. Requirements for construction are changed but are still different than general industry. OSHA requires that, once a site is approved, aggregate injury statistics be kept for all work at the site. The injury rate information developed from that data source is the only completely relevant data.

The construction applicant's rates for all comparable construction work over the past three years can give us an indication of the seriousness of the applicant's intent to provide a safe and healthful workplace and, therefore, the Agency has decided to use these rates to determine, in part, approvability for the Try Program.

4. *Self-Inspections.* OSHA also has changed the maximum interval between committee inspections at construction sites from once per year to once per month. This revision recognizes changing phases and physical environments during construction. It makes explicit OSHA's interpretation for construction of the requirement in 47 FR 29027 that committee inspections be conducted "regularly, as needed." OSHA would not have considered anything less frequent than monthly committee inspections to be adequate for any construction site. Furthermore, OSHA introduces an explicit requirement for a weekly management inspection which covers the entire worksite. The agency has found that such management inspections for safety and health conditions are an integral part of effective construction and health programs.

The Star Management Initiative Program required routine site inspections by safety (and health) professionals which provide for at least yearly coverage of the whole worksite and for written reports of findings and abatement. Teh changes, by incorporating the safety and health program elements used in OSHA's Consultation Program, include comprehensive safety in and health surveys and regular reviews by a person or persons qualified to recognize hazards which exist or could develop as part of the basic safety and health program requirements of all VPP. For Star, in addition to written reports of findings and abatement as previously required, written procedures or guidance for the self-inspection system are required. Different systems would, of course, be appropriate for different sites depending on the size of the facility and the type of work being done. We would expect, however, that any system would have one designated staff person responsible overall to ensure appropriate management control.

5. *Contractor-Subcontractor Coverage.* Control of the safe and healthful working conditions of contractor or subcontractor workers at the site approved for the VPP will be treated the same in both general industry and construction. The applicant will be required to demonstrate that all workers at the site covered by the VPP approval receive adequate protection. OSHA finds it administratively impossible to utilize partial enforcement at a worksite and believes that it is very difficult to provide outstanding safety and health protection to some workers on a worksite where there is any degree of intermingling with other parties whose activities and practices can create hazards for everyone.

In construction, the VPP applicant must demonstrate to OSHA's satisfaction that there is a participative arrangement with all constractors and subcontractors, whether or not such employers are on the site at the time of appoval, which will allow the applicant to control safety and health conditions at the site.

For general industry, it is recongized that contractor activities may involve specialized hazards and skills beyond the technical knowledge and expertise applicable to the normal operations at that worksite. Examples of these activities could include structural steel erection, major electrical work, site excavation, and work involving scaffolds.

All VPP participants are expected to exercise propser diligence and prudence in the selection and oversight of contractors, but general industry participants are not expected to assume responsibility over hazards that are special or unique to these specialized trades. On the other hand, it is encumbent on VPP participants to be especially aware of and to inform contractors and other visitors of conditions at the worksite which could affect safety and health conditions of either contractor or worksite personnel. Examples of such conditions could include the proximity of flammable or explosive materials in connection with electrical or hot-work, certain chemicals and electrical conditions that could affect custodial or other workers, and the presence of asbestos or of potentially explosive dust.

It is also expected that VPP participants will be able to demonstrate that they have considered the safety and health programs and performance of major contractors during the evaluation and selection process, especially in operations such as construction where

contractors and subcontractors are a routine aspect of business arrangements.

D. Safety and Health Program Coverage.

OSHA herein requires coverage of both safety and health for all VPP based on the agency's experience as discussed in Section II.

For the current participants in Star (Safety), OSHA will allow two years for their health programs to qualify. Because Try health requirements are more flexible and easier to meet, Try participants are encouraged to qualify their health programs for Try approval as soon as possible but no later than one year after the effective date of this notice.

E. Elements of Safety and Health Programs.

In these changes, OSHA has provided a complete outline of the basic elements of safety and health programs which are required for participation. These basic elements, including management commitment; hazard assessment; safety planning, rules and work procedures; and training, are based on those developed in the OSHA 7(c)(1) Consultation Program. The concept utilized here is that all well-managed safety and health programs should contain at least these basic elements. For small and less hazardous sites the application of the elements will of necessity be less formal, less documented and less complex. Star sites would be expected to have their safety and health programs operating effectively for at least one year. Try sites would be expected to work toward having a well managed safety and health program containing these elements in a specified period of time.

The use of these program elements results in little actual change to the Star and Try Programs because the wording in the initial **Federal Register** notice has been interpreted to require most of what is now required formally.

F. Elimination of Praise.

The Praise Program was developed as a fairly straightforward recognition program for industries with injury rates at or below the average for the entire private sector. Because it was based so heavily on injury rates, it resulted in an exemption from safety inspections only, not also health inspections. Four worksites, all part of the same company manufacturing medical equipment and doing laboratory analysis, were approved to Praise shortly after the VPP were announced in July of 1982. A little more than a year later two of those sites were consolidated, leaving three sites in Praise. There have been no other applicants, and none are expected. Praise failed to capture the attention of such industries as finance or retail sales where they would have been more logical. Manufacturing companies with low injury rates which were interested in the VPP usually wished to include their health program and frequently found that they could meet Star approval requirements.

OSHA considered adding health program requirements to Praise but determined that given the complexity of health programs and the lack of a measure of long-term health effects that would parallel Bureau of Labor Statistics data on injuries and acute health effects, any long term removal from programmed health inspection lists would require qualifications identical to Star. These qualifications would also have to be subject to the same sort of pre-approval review and subsequent evaluation as Star. It was decided, therefore, to use the Star Program for this purpose. OSHA has eliminated the Praise Program. It will be phased out as the current Praise participants qualify for Star approval over a period not to exceed two years following the effective date of this notice.

G. The Voluntary Protection Demonstration Program.

OSHA announces a new demonstration program to replace the experimental element of the Try Program. During the more than three years of VPP existence, the Try Program has been used for experimental purposes only once. The flexibility of Try Program requirements which was intended to make experimentation easier served only to confuse some Try Program applicants. OSHA realizes that the structure of its existing programs is not adapted to the realities of non-unionized and/or small construction firms and short-term construction sites. Nor does it provide answers to questions of how to provide recognition for maritime or agricultural and other special industry workplaces. A need has arisen for a program within the VPP to demonstrate the effectiveness of approaches more suitable to these special situations. OSHA expects that many of these approaches may contain sophisticated elments and/or some measureable positive results that would be inappropriate to the concepts of the Try Program carried out under firm OSHA guidance and goals. By separating this program from Try, OSHA hopes to attract a few projects which could build a solid case for solutions to the problems currently preventing participation by these industries and to provide room for new and novel ideas.

The date OSHA has approved one experimental Try site in construction where the joint safety committee has some employee members who are volunteers or are selected by management. This committee also differs from the Star/Try construction model in that the committee does not perform self-inspections, but management provides a system of line accountability, self-evaluation and routine hazard analysis.

The demonstration programs will be subject to careful national level scrutiny even before the decision to do the onsite verification visit. They will be approved for an agreed-upon number of years (not exceeding five) and will be monitored by the Contact Person and evaluated annually. Continued participation from year to year within the approved period would be contingent upon a favorable evaluation.

In most cases, OSHA would expect to approve more than one demonstration program of the same type, in order to assure transferability to other sites, before changing Star requirements based on a demonstration. Whether more than one successful demonstration of a type (or how many) would be required will depend upon the degree of change from current Star requirements and the track record already established before approval. Movement of a project, if any, from the demonstration program to Star would be preceded by an announcement in the **Federal Register** notice of the change in Star requirements for the particular industry or segment of it affected by the demonstration(s).

H. Variances

Because of the misconceptions regarding priority consideration for variances and because that priority consideration was not considered an incentive by participants, OSHA has deleted that provision.

I. Other Changes

1. *Additional Requirements.* OSHA has translated the required evaluation data listed in 47 FR 29027, 29028 into direct safety and health program requirements. These include keeping records of self-inspections, accident investigations and responses to employee notifications of hazards, as will as tracking requirements for hazard correction.

2. *Application.* The change provides information to potential applicants about the separate document, "The Application Guidelines," and clarifies the requirements for review of sensitive documents. In the latter case, the notice

makes clear OSHA's practice of keeping such materials separate from the applications and of providing for OSHA review of such documents only onsite when they are needed to verify VPP applications.

It also provides for an applicant's withdrawal of an application which was not covered by 47 FR 29025–32 and a clearer description of the application review process.

In addition, the change eliminates the inflexible requirement that no Pre-Approval Review will take more than two days at each site. In extremely large sites it is impossible for a small team to evaluate properly the applicant's safety and health program in a two-day time frame. OSHA has done onsite reviews of sites with 8,000 employees utilizing more than a dozen separate facilities. OSHA's staff have found that most applicants that have undergone OSHA's review feel that the time spent has been worth the end result. The change provides the following guidelines for a case-by-case determination instead of the current limit: "Reviews will average one-and-a-half to two days unless the site has over 1000 workers". This guidance reflects OSHA staff experience with the VPP.

3. *Onsite Interviews.* During the Pre-Approval Program Review, 47 FR 29028 called for interviews of "relevant parties" such as committee representatives in employee-participation programs. The change adds other examples of "relevant parties," (i.e., management personnel and randomly selected employees) and provides a more detailed list of possibly relevant documents to review. All of the Star and Try Program reviews have included interviews with some randomly selected employees. In every case this was done with the permission of the employer/applicant. OSHA staff have frequently found that these employees can verify aspects of the site safety and health program which may not be routinely recorded and that interviews have generally rounded out information provided by the employer/applicant. The change clarifies current OSHA procedures based on experience.

4. *Application Decision.* The change provides guidance for actions taken on applications, including deferred approvals. The provisions for deferred approvals would allow the applicant a 90-day period after the onsite Pre-Approval Review to make adjustments to the site program that will qualify it for approval.

Application withdrawal would also be available to the application who determines that the site program cannot be made to qualify for the program desired, thus avoiding the denial process. The denial process is also described.

5. *Contact Person.* Information on post-approval assistance through the designated Contact Person has been consolidated from several parts of 47 FR 29025–29032 to provide a clearer description of types of assistance available to participants.

6. *Termination.* In addition to the time frames for termination provided by 47 FR 29029, OSHA has determined that, while the other parties involved in participation may terminate for any reason when withdrawal is not preferred, OSHA decisions to terminate will only be based on cause. Cause is defined as a significant failure to maintain the safety and health program in accordance with the program requirements. The notice also makes clear that sale of the approved site to another company terminates approval. In any and all cases, OSHA will allow for withdrawal before taking termination action.

7. *Reinstatement.* The notice explains that reinstatement to the VPP requires reapplication.

IV. The Voluntary Protection Programs, as Revised.

A. Purpose of the Voluntary Protection Programs.

OSHA has long recognized that compliance with its standards cannot by itself accomplish the goals established by the Act. The standards, no matter how carefully conceived and properly developed, will never cover all unsafe activities and conditions. Furthermore, limited resources will never permit regular or exhaustive inspections of all of the Nation's workplaces. In addition, employers and employees, because of their day-to-day experience in the workplace, acquire a special knowledge of the processes, materials and hazards involved with the job. This knowledge, combined with the ability to evaluate and address unique hazards quickly and to provide rewards for positive action, can be used by employers to improve workplace safety and help in ways simply not available to OSHA.

The purrpose of the Voluntary Protection Programs (VPP) is to emphasize the importance of, encourage the improvement of, and recognize excellence in employer-provided, site-specific occupational safety and health programs. These programs are comprised of management systems for preventing or controlling occupational hazards. The systems not only ensure that OSHA's standards are met, but go beyond the standards to provide the best feasible protection at that site.

When employers apply for and achieve approval for participation in the VPP, they are removed from programmed inspection lists. This frees OSHA's inspection resources for visits to establishments that are less likely to meet the requirements of the OSHA standards. VPP participants enter into a new relationship with OSHA in which safety and health problems can be approached cooperatively, when and if they arise.

Participation in any of the Programs does not diminish existing employer and employee rights and responsibilities under the Act. In particular, OSHA does not intend to increase the liability of any party at an approved VPP site. Employees or any representatives of employees taking part in an OSHA approved VPP safety and health program are not assuming the employer's statutory or common law responsibilities for providing safe and healthful workplaces or undertaking in any way to guarantee a safe and healthful work environment.

The programs included in the VPP are voluntary in the sense that no employer is required to participate but that any employer may volunteer for application to one of the VPP. Compliance with OSHA standards and applicable laws remains mandatory.

Approval for participation is determined by the Assistant Secretary for Occupational Safety and Health.

B. Purpose of this Notice.

This notice qualifications criteria for approval of participation in the Voluntary Protection Programs (VPP), and the conditions of participation, termination of or withdrawal from participation and means of reinstatement.

C. Program Description.

1. *General.* The VPP are voluntary programs which provide recognition, and removal from programmed inspection lists, to qualified employers. They emphasize the importance of worksite safety and health programs in meeting the goal of the Act "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions . . ." through official recognition of excellent safety and health programs, assistance to employers in the efforts to rearch a level of excellence and the use of the cooperative approach to resolve safety and health problems.

The VPP consist of two major programs, Star and Try plus a

demonstration program to permit demonstration and/or testing of experimental approaches which differ from the two established programs. In addition, within the Star and Try Programs there are some variations between general industry and construction industry requirements.

2. *Recognition.* By approving an applicant for participation in the VPP, OSHA recognizes that the applicant is providing, at a minimum, the basic elements of ongoing systematic projection of workers at the site which makes routine Federal enforcement efforts unnecessary. The symbols of this recognition are certificates of approval and the right to use flags showing the program in which the site is participating. The participant may also choose to use program logos in such items as letter-head or award items for employee contests.

In addition to removing approved worksites from programmed inspection lists (but not valid, formal employee safety and health complaint inspections not fatality/catastrophe investigations), OSHA will provide the opportunity to work cooperatively with the agency both in the resolution of safety and health problems and in the promotion of effective safety and health programs through such means as presentations before organizations such as the National Safety Congress. Each approved site will have a designated OSHA Contact Person to handle information and assistance requests.

D. Aspects Common to All VPP.

1. *The Eligible Applicant.*

a. *Site Management.* Management at a site which is either independent or part of a corporation can make application to the VPP for that site.

b. *Corporate Management.* The management of a corporation may apply to the VPP on behalf of one or more sites in the corporation. This type of application is particularly appropriate when corporate staff supply one or more aspects of the site safety and health program.

c. *General Contractors and Organizations Providing Overall Management at Multi-Employer Sites.* At multi-employer sites, such as in the construction industry, the only eligible applicant is the one which can control safety and health conditions of all employees at the site, such as the general contractor or the owner.

d. *Organizations Representing Groups of Small Businesses in the Same Industry.* OSHA will consider, for demonstration programs, applications from organizations providing health and safety program services to groups of small businesses of the same industry (at the three or four digit SIC level) in a limited geographical area.

2. *Assurances.* Applications for all VPP must be accompanied by certain assurances describing what the applicant will do if the application is approved for participation in one of the VPP. The applicant must assure that:

a. All employees, including new hires as they arrive, will have the VPP explained to them, including, specifically, employee rights under the program and under the Act.

b. All hazards discovered through self-inspections, accident investigations or employee notification will be corrected in a timely manner.

c. If employees are given health and safety duties as part of the applicant's safety and health program, the applicant will assure that those employees will be protected from discriminatory actions resulting from the duties, just as Section 11(c) of the Act protects employees for the exercise of rights under the Act.

d. Employees shall have access to the results of self-inspections and accident investigations upon request (in construction, this requirement may be met through the joint labor-management committee).

e. For construction, injury records for *all* work done at the site will be recorded *together* and the injury rates for that site will be maintained at or below the national average for that type of construction; and,

f. The following information will be retained and available for OSHA review:

(1) Written safety and health program;

(2) Copies of the log of injuries and illnesses and the OSHA 101 or its equivalent;

(3) Monitoring and sampling records if applicable;

(4) Agreement between management and the collective bargaining agent(s) concerning the functions of the committee and its organization where applicable;

(5) Minutes of each committee meeting where applicable;

(6) Committee inspection records where applicable;

(7) Management inspection and accident investigation records;

(8) Records of notifications of unsafe or unhealthful conditions received from employees and action taken, taking into account appropriate privacy interests; and,

(9) Annual internal safety and health program evaluation reports (described below in E.3.i.(5)).

(g) Each year by February 15, the participating site will send notification to the designated Contact Person, described under Section IV. N., of the site's injury incidence and lost work day case rates, hours worked and estimated average employment for the past full calendar year.

3. *Unionized Sites.* When a site covered by an application for any of the VPP has significant portion of its employees organized by one or more collective bargaining units, the authorized agent must either sign the application or submit a signed statement indicating that the collective bargaining agent(s) do(es) not object to participation in the program. Without such concurrence, OSHA will not be able to approve program participation.

4. *Inspection/Interaction History.* If the applicant has been inspected in the last three years, the inspection, abatement and/or any other history of interaction with OSHA must indicate good faith attempts to improve safety and health and include no upheld willful violations in those last three years.

E. The Star Program.

1. *Purpose.* The Star Program is based on the characteristics of the most comprehensive safety and health programs used by American industry. It aims to recognize leaders in injury and illness prevention programs who have been successful in reducing workplace hazards and to encourage others to work toward such success.

2. *Term of Participation.* The term for participation in an approved Star Program is unlimited, contingent upon continued favorable triennial evaluation. In the construction industry, participation is ended with the completion of construction work at the site.

3. *Qualifications for the Star Program.*

a. *Management Commitment.* Each applicant must be able to demonstrate top-level management commitment to occupational safety and health in general and to meetng the requirements of VPP.

(1) *Commitment to Safety and Health Protection.* As with any other management system, authority and responsibility for employee safety and health must be integrated with the management system of the organization and must involve employees. This commitment includes:

(a) Clearly established policies and results-oriented objectives for worker safety and health protection which have been communicated to all employees;

(b) Authority and responsibility for safety and health protection clearly defined and implemented; accountability through evaluation of

supervisors; and rewarding good and correcting deficient performance;

(c) Commitment of adequate resources to workplace safety and health, in staff, equipment, promotion, etc.; and

(d) Top management involvement in worker safety and health concerns, including clear lines of communication with employees and setting an example of safe and healthful behavior.

(2) *Commitment to VPP Participation.* Management must also clearly commit itself to meeting and maintaining the requirements of the VPP for which application is made.

b. *Experience.* Star applicants must have had a minimum of one year's operational experience with the safety and health program which meets the other programmatic requirements.

c. *Rates.* The general industry applicant must have an average both of lost workday injury case rates and of injury incidence rates for the most recent three-year period at or below the most recent specific industry (at the three or four digit level) national average published by BLS. For the construction application, the average injury incidence rate and lost workday injury case rate for at least the last full year at the site applied for, including all workers of all subcontractors of the site, must be at or below the national average for that type of construction according to the most precise SIC code.

d. *Access to Professional Expertise.* Reasonable site access to Certified Industrial Hygienists and Certified Safety Professionals or Certified Safety Engineers must be available as needed based on the potentially significant risks of the site.

e. *Line Accountability.* The general industry applicant must have a documented system for holding all line managers and supervisors accountable for safety and health. The construction applicant must demonstrate that, at a minimum, the project manager and contractor superintendents are held accountable for safety and health conditions within their areas of responsibility.

f. *Contract Workers.* All applicants, whether in general industry, construction or other specialized industry, must be able to demonstrate that all contractors and subcontractors will follow worksite safety and health rules and procedures applicable to their activities while at the site, including special precautions necessary as a result of their activities. In general industry, when the contractor's activities are not part of the overall operation and include special skills and hazards beyond the participant's expertise, the participant's responsibility is not expected to extend beyond proper diligence and prudence in both the selection and the oversight of the contractor.

g. *Job Hazard Review.* The applicant must routinely review job hazards for inclusion in training and hazard control programs. This includes, e.g., job safety analysis and process hazard review. In construction, the emphasis should be on special safety and health hazards of each craft and each phase of construction.

h. *Written Safety and Health Program.* The Star Program requirement includes all critical elements of the basic safety and health program described below. All aspects of the safety and health program must be appropriate to the size of the worksite and the type of industry.

(1) *Hazard Assessment.* Management of safety and health programs must begin with a thorough understanding of all potentially hazardous situations and the ability to recognize and correct all existing hazards as they arise. This requires:

(a) Comprehensive surveys at intervals appropriate for the nature of workplace operations, and regular reviews (by a person or persons qualified to recognize existing hazards and potentially significant risks) to ensure the employer's awareness and control of those risks.

(i) A baseline survey of health hazards accomplished through initial comprehensive industrial hygiene surveying or other comprehensive means of assessment such as complete industrial hygiene engineering studies, before equipment or process installation in general industry or in the pre-job planning for construction;

(ii) The use of nationally recognized procedures for all testing, analyzing and sampling, with written records of results; and,

(b) A system for conducting as appropriate, routine self-inspections which follow written procedures or guidance and which result in written reports of findings and tracking of hazard correction.

(i) In construction, this must include management inspections which cover the entire worksite at least weekly; and

(ii) Also in construction, inspections by members of the safety and health committee which cover the entire worksite as appropriate but no less frequently than once per month are required.

(c) A reliable system for employees, without fear of reprisal, to notify appropriate management personnel in writing about conditions that appear hazardous and to receive timely and appropriate responses. The system must include the ability to track responses and hazard corrections;

(d) An accident/incident investigation system which includes written procedures or guidance, with written reports of findings and hazard correction tracking; and review of injury/illness experience identifying causes and providing for preventive or corrective actions;

(e) Ongoing monitoring and maintenance of workplace equipment to prevent its becoming hazardous;

(f) A system for initiating and tracking hazard correction in a timely manner.

(g) A medical program which includes the availability of physician services and first-aid.

(2) *Safety Planning, Rules, and Work Procedures.* Based on the results of hazard assessment, safety plans, rules and work procedures must be developed, thoroughly understood by supervisors and employees, and followed by everyone in the workplace to prevent and control potential hazards. These include the following provisions:

(a) Planning for safety and health must be a part of the overall management planning process. In construction, this includes pre-job planning and in preparing for different phases of construction as the project progresses.

(b) Safety and health rules, including safe and healthful work procedures for specific operations, appropriate to the potential hazards of the site, must be written, implemented and updated by management as needed and used by employees;

(c) Procedures for disciplinary action or reorientation of employees and supervisors who break or disregard safety rules, safe work, materials handling or emergency procedures must be written, communicated to employees, and enforced.

(d) Procedures for response to emergencies requiring personal protective equipment, first aid, medical care, or emergency egress must be written and communicated to all employees. Procedures should include emergency telephone numbers, exit routes, and training drills.

(3) *Safety and Health Training.* Training is necessary to implement management's commitment to prevent exposure to hazards. Supervisors and employees must know and understand the policies, rules and procedures established to prevent exposure. Training for safety and health includes ensuring that:

(a) Supervisors understand the hazards associated with a job, their

potential effects on employees, and the supervisor's role, through teaching and enforcement, in ensuring that employees follow the rules, procedures and work practices for controlling exposure to the hazards.

(b) Employees are made aware of hazards, and the safe work procedures to follow to protect themselves from the hazards, through training at the same time they are taught to do a job and through reinforcement.

(c) Supervisors and all employees understand what to do in emergency situations.

(d) Where personal protective equipment is required, employees understand that it is required, why it is required, how to use it, its limitations and how to keep it maintained; and employees use it properly.

(4) *Employee Participation.*

(a) Construction sites must utilize the labor-management safety committee approach to involve employees in the identification and correction of hazardous activities and conditions. This is required because of the seriousness of the hazards, the changing worksite conditions, the expanding and contracting work force and the high turnover in the construction industry. The applicant must be able to demonstrate that the site has a joint labor-management committee for safety and health which has the following characteristics:

(i) Has a minimum of one year's experience providing safety and health advice and making periodic site inspections;

(ii) Has at least equal representation by bona fide worker representatives who work at the site and who are selected, elected, or approved by a duly authorized collective bargaining organization;

(iii) Meets regularly, keeps minutes of the meetings, and follows quorum requirements consisting of at least half of the members of the committee, with representatives of both employees and mangement; and,

(iv) Makes regular workplace inspections (with at least one worker representative) at least monthly and more frequently as needed, and has provided for at least quarterly coverage of the whole worksite.

(v) In addition, the joint committee must be allowed to:

- Observe or assist in the investigation and documentation of major accidents;
- Have access to all relevant safety and health information; and,
- Have adequate training so that the committee can recognize hazards, with continued training as needed.

(b) For general industry, the requirement for employee participation may be met in a variety of ways, as long as employees have an active and meaningful way to participate in safety and health problem identification and resolution beyond the individual right to notify appropriate managers of hazardous conditions and practices. Participation on safety committees, as safety observers, in ad hoc safety and health problem-solving groups, as a safety and health trainer of other employees, conducting job hazard analyses, and on committees which plan and conduct safety and health awareness programs are examples of acceptable means of employee participation.

(5) *Safety and Health Program Evaluation.* The applicant must have a system for annually evaluating the operation of the safety and health program to determine what changes are needed to improve worker safety and health protection. The system must provide for written narrative reports with recommendations for improvements and documentation of follow-up action. In particular, the effectiveness of the operation of the self-inspection system, the employee hazard notification system, accident investigations, safety committees (where used), safety and health training, the enforcement of safety and health rules, and the coverage of health aspects, including personal protective equipment and routine monitoring and sampling, should be determined and the findings should be used to improve the implementation of the company's written safety and health program. The evaluation may be conducted by corporate or site officials or by a private sector third-party. In construction, the evaluation should be conducted annually and immediately prior to completion of construction to determine what has been learned about safety and health activities that can be used to improve the contractor's safety and health program at other sites.

F. The Try Program.

1. *Purpose.* The Try Program is aimed at employers in any industry who do not yet meet the qualifications for the Star Program but who wish to work toward Star Program participation. If OSHA determines that the employer has demonstrated the commitment and the potential to achieve the Star requirements, Try is used to set goals that, when achieved, will permit Star participation.

2. *Term of Participation.* Try Programs will be approved for a period of time agreed upon in advance of approval. The term will be dependent upon how long it is expected to take the applicant to accomplish the goals for Star participation. Participation is cancelled at the end of the term.

3. *Qualification for Try.* a. An eligible applicant to the Try Program must have a written safety and health program which covers the three essential elements of a safety and health program as described in IV.E.3 for Star. The three elements (hazard assessment; safety planning, rules, and work procedures; and safety and health training) should all be operational or, at a minimum, in place and ready for implementation by the date of approval. Participation in Try is an opportunity for employers to work with OSHA to improve the quality of their safety and health programs and reduce their injury rates to meet the requirements for Star.

b. *Injury Rates.* (1) For the Try Program in construction, the applicant company must be able to demonstrate that the company's injury rates are at or below the most recent BLS national average for the industry (at the three digit level). The injury incidence rate and the lost workday case rate must each be averaged over the last three complete calendar years. The rate must include *all* of the applicant's employees who are actually employed at construction sites in that SIC. The applicant may use nationwide employment or may designate appropriate geographical areas which include the site for which application is made.

(2) For general industry, if either the three-year average for all recordable injuries of for injury lost workday cases for the last three calendar years is above the national average for the specific industry average (at the three or four digit level) as published most recently by BLS, the applicant must indicate goals for the reduction of that rate and demonstrate that the methods planned to reduce them will achieve these goals.

c. *Goals.* Any system required for Star participation that is not in place or is not yet of Star quality at the time of approval must be set as a goal along with any rate reduction goals.

4. *Assurances.* Applicants must provde assurance that any data not listed in D.2. but needed to evaluate achievement of individual goals will be made available to OSHA for evaluation purposes.

G. The Voluntary Protection Demonstration Program.

1. *Purpose.* This program provides the opportunity for companies to

demonstrate the effectiveness of alternative methods which, if proven successful (usually in more than one site), could be substituted as alternative qualifications for the Star Program for certain situations; to explore the use of VPP in industries other than construction and those classified as general industries, such as maritime or agriculture; and to test methods of overcoming problems which have kept certain employers, such as small business employers and many contractors in the construction industry, from taking part in the VPP.

2. *Qualifications.*

a. Like all VPP participants, those in the demonstration program must have a site safety and health program with a minimum of the three basic elements described for Star in section IV.E. above.

b. Applicants for this program must demonstrate to the Assistant Secretary's satisfaction that the alternative approach shows reasonable promise of being successful enough to serve as an alternative basis for inclusion in the Star Program. This includes having, as a result, three-year average injury incidence and lost workday case rates at or below the specific industry average.

3. *Assurance.* Applicants must provide the assurances that any data not listed in Section D. 2. but needed to evaluate achievement of the goals of the demonstration project will be made available to OSHA for evaluation purposes.

4. *Term of Participation.* Demonstration programs will be approved, subject to annual evaluation, for a period of time agreed upon in advance of approval but not to exceed five years.

H. Applicant Requirements for All VPP.

1. *The Application Guidelines.* OSHA will prepare, keep current and make available to all interested parties, application guidelines which explain the type of information to be submitted for OSHA review.

2. *Application Content.* Eligible applicants will be required to provide all relevant information described in the most current version of the *Application Guidelines* which apply to the program for which application is made.

Amendments to submitted applications will be requested when the application information is insufficient to determine eligibility for onsite review.

Materials needed to document the safety and health program which the applicant feels may be a source of invasion of privacy or a trade secret should not be included in the application. Instead, such materials should be described in the application and provided for viewing only at the site if an onsite Pre-Approval Review is conducted as part of the application review.

3. *Application Submission.* Applications may be submitted to OSHA Regional Offices or, in the case of multi-regional applications, to OSHA's Directorate of Federal-State Operations in Washington.

4. *Application Withdrawal.* Any applicant may withdraw a submitted application at any time after formal submission and before approval or denial. When the applicant notifies OSHA of its withdrawal, the original application will be returned to the applicant.

OSHA may keep the assigned Program Officer's marked working copy of the application for a year before discarding it, in case the applicant should raise questions concerning the handling of the application. Once an application has been withdrawn, a new submission of a formal application is required to begin application review again.

5. *Public Access.* The following documents will be maintained in OSHA's National and applicable Regional Offices for public access beginning on the day the applicant is approved and for so long as VPP participation is active:

a. VPP application and amendments;

b. Pre-Approval report and subsequent evaluation reports;

c. Transmittal memoranda to Assistant Secretary;

d. Assistant Secretary's approval letter; and,

e. Notification memoranda to Regional Administrator.

I. Qualification Verification.

1. *Initial Review.* The initial review of the application will verify that those qualifications which can be documented by paper submission have been met. The applicant will be given the opportunity to amend the application with additional or substitute materials for the purpose of improving the application. Where resources allow, OSHA staff will assist with application preparation, particularly for the demonstration program.

2. *Pre-Approval Onsite Reviews.*

a. *Purpose.* The Pre-Approval Review, which is conducted by a team of non-enforcement OSHA staff, is a management review of the site safety and health program. It is conducted on the site for which participation has been requested to accomplish:

(1) Verification of the information supplied in the application concerning qualification for the VPP for which application is made;

(2) Identification of the strengths and weaknesses of the site safety and health program;

(3) Determination of the adequacy of the safety and health program to address the potential hazards of the site; and

(4) Provision of information to assist the Assistant Secretary in making the approval decision.

b. *Preparation.* The review will be arranged at the mutual convenience of OSHA and the applicant. The review team will consist of a team leader with a back-up and health and safety specialists as required by the size of the site and the complexity of the safety and health program.

c. *Duration of the Review.* The time required for the Pre-Approval Review will depend upon the size of the site and the program applied for. Reviews will average on-and-a-half to two days onsite unless the site has over 1,000 workers.

d. *Content.* All Pre-Approval Reviews will include a review of injury records, recalculation of the rates submitted with the application, verification that the safety and health program described in the application has been implemented and a general assessment of safety and health conditions to determine if the safety and health program is adequate for the hazards of the site.

The review will also include interviews with relevant parties (such as members of joint safety committees, management personnel and randomly selected non-supervisory personnel).

Onsite document review will include the following records (or samples of them) if they exist and are relevant to the application or the safety and health program:

(1) Management statement of commitment to safety and health;

(2) The OSHA 200 log;

(3) Safety and health manual(s);

(4) Employee notifications of safety and health problems;

(5) Safety rules, emergency procedures and sample safe work procedures;

(6) The system for enforcing safety rules;

(7) Self-inspection procedures, reports and correction tracking;

(8) Accident investigations;

(9) Safety committee minutes;

(10) Employee orientation and safety training programs and attendance records;

(11) Industrial hygiene monitoring records; and,

(12) Other records which provide documentation of the qualifications for these programs.

J. Application Approval.

1. *Deferred Approval.* If, at the conclusion of the Pre-Approval Review, the applicant needs to take actions to meet the qualifications for approval, reasonable time—up to 90 days—will be allowed for those actions to be taken before a recommendation is made to the Assistant Secretary. Where necessary, an onsite visit will be made to verify the actions taken after the Pre-Approval Review visit.

2. *Application Withdrawal.* If the applicant cannot meet the requirements for approval to one of the VPP or for any reason does not wish to pursue the approval decision, reasonable time shall be allowed for application withdrawal as provided for in IV.I.4., before recommendation is made to the Assistant Secretary.

3. *Application Approval.* If, in the opinion of the Pre-Approval Review team, the applicant has met the qualifications requirements of the VPP applied to or an alternative VPP acceptable to the applicant, the team's recommendation will be made to the Regional Administrator, who, on concurrence, will recommend approval to the Director of Federal-State Operations. The Director of Federal-State Operations shall review the report for consistent application of the qualification requirements and, on concurrence, will forward the recommendation to the Assistant Secretary to approve participation. Approval will occur on the day that the Assistant Secretary signs a letter informing the applicant of approval.

K. Application Denial.

1. Should the Assistant Secretary for any reason reject the FSO and/or Regional recommendation to approve, a letter from the Assistant Secretary denying approval will be sent to the applicant. The denial will occur as of the date of the letter.

2. Should an applicant appeal to the Assistant Secretary a finding by the team that qualifications are not met, the Director of Federal-State Operations will forward the appeal to the Assistant Secretary, along with the team's recommendation of denial.

If the Assistant Secretary accepts the recommendation to deny approval, the denial will occur as of the date the Assistant Secretary signs a letter informing the applicant of his decision.

L. Inspection Requirements.

1. *Programmed Inspections.* Participating work sites will be removed from OSHA's programmed inspection lists.

2. *Workplace Complaints.* Employee complaints to OSHA will be handled by enforcement personnel in accordance with normal OSHA enforcement procedures.

3. *Fatalities and Catastrophes.* All fatalities and catastrophes will be handled by enforcement personnel in accordance with normal OSHA enforcement procedures.

M. Post-Approval Assistance.

1. *OSHA Contact Person.* An OSHA official will be assigned to each VPP participating work site as Contact Person. This person will be available to assist the participant as needed to assure smooth interface with OSHA and to provide expertise as required.

2. *Problem Solving.* If a problem comes to the attention of the OSHA Contact Person, either through evaluation efforts, review of injury rates, records of OSHA complaint inspections or accident investigations or by request of the VPP participant, the Contact Person will attempt to assist the participant in resolving the problem, including, if necessary, arranging with the participant for an onsite visit to assess the problem and its possible causes.

3. *Scheduled Onsite Assistance.* In some cases, such as in the demonstration program, in the construction program or when needed for the Try Program, a schedule of onsite assistance visits shall be agreed upon before approval.

N. Evaluation.

1. *The Star Program.*—a. *Purpose.* (1) To determine continued qualification for the Star Program.

(2) To document results of program participation in terms of the evaluation criteria and other striking aspects of the site program or its results.

(3) To identify any problems which have the potential of adversely affecting continued Star Program qualifications and to determine if those problems require additional evaluations.

b. *Frequency.* Star Programs shall be evaluated every three years (except when serious problems have been identified which require an earlier evaluation) with an annual review of injury incidence and lost workday injury case rates which shall include a recalculation of the latest three-year averages.

c. *Measures of Effectiveness.* The following factors will be used in the evaluation of Star Program participants:

(1) Continued compliance with the program requirements;

(2) Satisfaction of the participants;

(3) Nature and validity of any complaints received by OSHA;

(4) Nature and resolution of problems that may have come to OSHA's attention since approval or the last evaluation; and,

(5) Where joint committees are utilized, the effectiveness of the committee.

d. *Description of Evaluation.* OSHA's evaluation of Star Program participants will consist mainly of an onsite visit of similar duration and content to the Pre-Approval Program Review described in IV.J.2.

2. *The Try Program.*—a. *Purpose.* (1) To determine continued qualification for the Try Program, or to determine whether the applicant may be approved for the Star Program.

(2) To determine whether adequate progress has been made toward the agreed-upon goals.

(3) To identify any problems in the safety and health program which need resolution in order to continue qualification or meet agreed-upon goals.

(4) To document program improvements and/or improved results.

(5) To provide advice and suggestions for improvements that might be made.

b. *Frequency.* All Try programs will be evaluated annually for the duration of the period of approval, except where the participant requests an evalaution before the annual evaluation is due for the purposes of determining whether or not the Star qualifications have been met.

c. *Measure of Effectiveness.* The following factors will be used in the evaluation of Try Programs:

(1) Continued adequacy of the safety and health program to address the potential hazards of the workplace;

(2) Comparison of rates to the industry average;

(3) Satisfaction of the participants;

(4) Nature and validity of any complaints received by OSHA;

(5) Nature and resolution of problems that have come to OSHA's attention; and,

(6) Progress made toward individual goals.

d. *Description of Evaluation.* OSHA's evalaution will consist mainly of an onsite visit of duration and content similar to the Pre-approval Review described in IV.J.2.

3. *The Voluntary Protection Demonstration Program.* a. *Purpose.* To

determine whether the approach being demonstrated and/or tested protects workers to the degree provided by the Star Program.

b. *Frequency.* All demonstration programs will be evaluated annually for the period of duration of the approval.

c. *Measure of Effectiveness.* The measures of effectiveness of the approach demonstrated and/or tested will be determined on a case-by-case basis before approval.

d. *Description of Evaluation.* OSHA's evaluation will consist mainly of an onsite review of duration and content similar to the Pre-Approval Review described in IV.J.2.

O. Termination or Post-Approval Withdrawal.

1. *Reason for Termination.* a. Completion of covered construction work at the site will terminate a construction industry approval.

b. Sale of the approved site to another company will terminate the approval.

c. The participating site management, or the duly authorized collective bargaining agent where applicable, may terminate participation for any reason.

d. OSHA may terminate participation for cause.

2. *Cause for OSHA Termination.*—a. *Star Program.* Termination by OSHA will occur when a significant failure to maintain the safety and health program in accordance with the program requirements has been identified.

b. *Try Program.* Termination by OSHA will occur when:

(1) A significant failure to maintain the safety and health program in accordance with the program requirements has been identified; or,

(2) No perceptible movement has been made toward the goals; or,

(3) The term of approval has expired.

c. *The Voluntary Protection Demonstration Program. Termination by OSHA will occur when:*

(1) OSHA determines that continuation of the experiment will:

(a) Endanger workers at the covered site(s); and/or,

(b) Have no likely result of inclusion into the Star Program; or,

(2) The period of approval has expired.

3. *Notification.* OSHA will provide the participant and other relevant parties 30 days notice of intent to terminate participation unless:

(a) Other terms for termination were agreed upon before approval; or,

(b) A set period for approval is expiring or construction has been completed.

4. *Post-approval Withdrawal.* Upon receipt of notice of intent to terminate, or for any other reason, a participant may withdraw from the VPP with written notification to the assigned Contact Person.

Q. Reinstatement. Reinstatement requires reapplication.

Signed at Washington, D.C. this 22nd day of October 1985.

Patrick R. Tyson,

Assistant Secretary.

Alaska State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the **Federal Register** (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective status of the State program, a program change supplement to a State plan shall be required.

In response to Federal standards changes, the State has submitted by letter dated November 30, 1984 from Jim Robison, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, a repeal of State standards comparable to the repeal of 29 CFR 1910.411 Commercial Diving Operations, Medical Requirements, as published in the **Federal Register** (49 FR 881) on January 6, 1984. The State's original standards received OSHA approval and were published in the **Federal Register** (43 FR 57670) on December 8, 1978, in response to 29 CFR 1910.411 Subpart T as published in the **Federal Register** (42 FR 37668) on July 24, 1977. These State standards, which are contained in AAC 06.210, Commercial Diving Operations, Medical Requirements, were repealed after publication on May 10 and 17, 1984 in Statewide media. The public comment period was open for thirty days by Jim Robison, Commissioner, under authority vested by AS 19.60.020. No requests for public hearings were received.

2. *Decision.* The above State standard has been reviewed and compared with the relevant Federal standard and OSHA has determined that the State standard is identical. OSHA therefore approves this standard repeal.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Buidling, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and the Office of State Programs, Room N–3476, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were repealed in accordance with the procedural requirements of State law which included public comments and further public participation would be repetitious.

This decision is effective this October 29, 1985.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 20th day of August 1985.

[FR Doc. 85–25795 Filed 10–28–85; 8:45 am]

BILLING CODE 4510–26–M

Maryland State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional

Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of Subpart O to Part 1952 containing the decision.

The Maryland State plan provides for the adoption of Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letters dated July 23, 1985, from Commissioner Dominic N. Fornaro, Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to (1) 29 CFR 1910.243, pertaining to amendments to the Power Lawn Mowers standard as published in the **Federal Register** of February 1, 1985 (50 FR 4649), and (2) 29 CFR Part 1910 Subpart T pertaining to amendments to the Commercial Diving Operations Standard—Educational/ Scientific Diving as published in the **Federal Register** of January 9, 1985 (50 FR 1050). These standards are contained in COMAR 09.12.31. Maryland Occupational Safety and Health Standards were promulgated after public hearings on March 29, 1985 and May 24, 1985. These standards were effective July 29, 1985.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, PA 19104; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, Maryland 20202; and the OSHA Office of State Programs, Room N–3476, Third Street and Constitution Avenue, NW., Washington, DC 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law, including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 29, 1985.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 USC 667).

Signed at Philadelphia, Pennsylvania, this 28th day of August 1985.

Linda R. Anku,

Regional Administrator.

[FR Doc. 85–25796 Filed 10–28–85; 8:45 am]

BILLING CODE 4510–26–M

Washington State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards that are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required.

In response to Federal standards changes, the State has submitted by letter dated February 28, 1985, from G. David Hutchins, Acting Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, a State standard amendment identical to the Federal standard corrections amendment to 29 CFR 1910.217, Mechanical Power Presses, as published in the **Federal Register** (45 FR 8593) on February 8, 1980, which corrects errors in the Mechanical Power Presses Standard. The amendments to the Washington Mechanical Power Presses Standard are incorporated in WAC 296–24–19503. It was adopted on December 24, 1981, and became effective on January 23, 1982, pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08 as ordered and transmitted under Washington Administrative Order No. 83–34. This amendment corrects the original State standard published in the **Federal Register** (41 FR 22655) on June 4, 1976.

2. *Decision.* The above State standard amendment has been reviewed and compared with the relevant Federal standard amendment and OSHA has determined that the State standard amendment is at least as effective as the comparable Federal standard amendment, as required by section 18(c)(2) of the Act. OSHA has also determined that the differences between the State and Federal standards amendments are minimal and that the standards amendments are thus substantially identical. OSHA therefore approves this standards amendment; however, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 97174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Office of State Programs, Room N3476, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional

Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 29, 1985.

(Section 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 13th day of August 1985.

James W. Lake,

Regional Administrator.

[FR Doc. 85–25797 Filed 10–28–85; 8:45 am]

BILLING CODE 4510–26–M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1–76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following normal labor turnover certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended):

Bland Sportswear, Inc., Bland, VA; 7–24–85 to 7–23–86; 10 learners. (Men's and boy's shirts)

The following normal labor turnover certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

Louis Gallet, Inc., Uniontown, PA; 8–12–85 to 8–11–86; 5 learners. (Ladies' sweaters)

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before November 13, 1985.

Signed at Washington, D.C., this 23rd day of October, 1985.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 85–25798 Filed 10–28–85; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL COMMISSION ON AGRICULTURAL TRADE AND EXPORT POLICY

Meeting

October 24, 1985.

The National Commission on Agricultural Trade and Export Policy will hold its next meeting on November 15, 1985, at the Red Lion Inn, Jantzen Beach, Portland, Oregon. The meeting will begin at 9:00 a.m.

The focus of the meeting is Market Development Programs. The meeting is open to the public and anyone wishing to testify before the Commission should contact Commission staff at (202) 488–1961.

Kenneth L. Bader,

Chairman.

[FR Doc. 85–25705 Filed 10–28–85; 8:45 am]

BILLING CODE 3410–05–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on November 7–9, 1985, in Room 1046, 1717 H Street NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on September 24, 1985.

The agenda for the subject meeting will be as follows:

Thursday, November 7, 1985

8:30 A.M.–8:45 A.M.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

8:45 A.M.–12:00 Noon: Palo Verde Nuclear Generating Station, Unit 1 (Open)—The members will hear and discuss reports from the ACRS Subcommittee, members of the NRC Staff, and representatives of the Licensee as appropriate with regard to the results of the start-up test program for this power station.

1:00 P.M.–1:30 P.M.: Future ACRS Activities (Open)—The members will discuss anticipated ACRS Subcommittee activity and items proposed for consideration by the full Committee.

1:30 P.M.–1:50 P.M.: Preparation for Meeting with the NCR Commissioners (Open)—Discuss ACRS reports dated October 16, 1985 and October 17, 1985 regarding the Impacts of Natural Phenomena on Off-Site Emergency Response, consideration of Earthquakes on Off-Site Emergency Planning, and the status of ACRS activities related to Quantitative Safety Goals and ACRS Effectiveness.

2:00 P.M.–3:00 P.M.: Meeting with NRC Commissioners (Open)—The members of the ACRS will discuss the topics noted above with the NCR Commissioners.

3:00 P.M.–4:00 P.M.: Recent Events at Operating Reactors (Open)—The members will hear and discuss the report of its subcommittee and reports by members of the NRC Staff regarding recent incidents and accidents at nuclear power plants.

4:00 P.M.–6:00 P.M.: General Electric Standard Safety Analysis Report (GESSAR II) (Open/Close)—The members will discuss the proposed ACRS report to the NRC regarding the request for an FDA for this type of nuclear station.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter and detailed security arrangements for this type facility.

6:10 P.M.–6:30 P.M.: Appointment of New ACRS Member (Open)—The members will discuss of a new ACRS member to fill the current vacancy on the Committee.

Friday, November 8, 1985

8:30 A.M.–9:30 A.M.: CRGR Activities (Open)—The members will hear and discuss a briefing regarding the activities of the NRC Committee for Review of Generic Requirements.

9:30 A.M.–11:30 A.M.: General Electric Standard Safety Analysis Report (GESSAR II) (Open/Closed)—The Committee will continue its discussion

of the request for an FDA for this type of nuclear facility.

Portions of this session will be closed as necessary to discuss Proprietary material applicable to this matter and detailed security arrangements for this type of facility.

11:30 A.M.–12:30 P.M.: NRC Outrage Inspection Program (Open)—The members will hear and discuss a briefing from a representative of the NRC Office of Inspection and Enforcement regarding an NRC program for the conduct of outrage inspections at nuclear power stations.

1:30 P.M.–2:30 P.M.: Quantitative Safety Goals (Open)—The members will hear and discuss the report of its subcommittee regarding the two-year evaluation and proposed implementation of Quantitative Safety Goals.

2:30 P.M.–5:30 P.M.: Beaver Valley Nuclear Power Station, Unit 2 (Open/Closed)—The members will hear and discuss the reports of its subcommittee, members of the NRC Staff, and representatives of the applicant regarding the request for an operating license for this nuclear station.

Portions of this session will be closed as necessary to discuss detailed security arrangements for this nuclear plant.

5:30 P.M.–5:45 P.M.: Seismic Design Margins (Open)—The members will discuss proposed ACRS reevaluation of the effort devoted to Seismic Design Margins.

5:45 P.M.–6:30 P.M.: Report of ACRS Subcommittee Activity (Open)—ACRS Subcommittee Chairman will report regarding the status of subcommittee activity in designated areas.

Saturday, November 9, 1985

8:30 A.M.–12:30 P.M. and 1:30 P.M.–2:30 P.M.: Preparation of ACRS Reports to the NRC (Open)—The members will discuss proposed reports to the NRC regarding matters considered during this meeting. In addition, proposed ACRS reports regarding the use of natural aptitude testing in selection of nuclear power plant operators, and the proposed source term to be used in evaluation of nuclear power plant accidents (NUREG–0956, Source Term Reassessment) will be discussed.

2:30 P.M.–3:00 P.M.: Reactor Pressure Vessel Thermal Shock (Open)—The members will discuss the report of an ACRS consultant regarding the evaluation of reactor pressure vessel thermal shock.

3:00 P.M.–3:30 P.M.: Activities of ACRS Members (Open/Closed)—Members will discuss proposed activities of members in their assignments as non-ACRS members.

Portions of this session will be closed as necessary to discuss information the release of which would represent an unwarranted invasion of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 2, 1985 (50 FR 191). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R.F. Fraley, piror to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information [5 U.S.C. 552b(c)(4)], detailed security information [5 U.S.C. 552b(c)(3)], and information the release of which would represent an unwarranted invasion of personal privacy [5 U.S.C. 552b(c)(6)].

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone (202) 634–3265), between 8:15 a.m. and 5:00 p.m.

Dated: October 22, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85–25777 Filed 10–28–85; 8:45 am]

BILLING CODE 7590–01

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Tracy Spencer, (202) 632–6817.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on October 11, 1985, (50 FR 41614). Individual authorities established or revoked under Schedules A, B, or C between September 1, 1985 and September 30, 1985 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

No schedule A exceptions were established or revoked during September.

Schedule B

The following exceptions are revoked:

National Endowment for the Humanities

Schedule B appointing authorities for the positions of Special Assistant for Comparative Cultures and Humanist Administrator, Independent Study and Research Program, were revoked, effective September 25, 1985, because the positions have been abolished.

The following exceptions are established.

Department of Agriculture

One Confidential Assistant to the Assistant Secretary for Economics. Effective September 17, 1985.

Department of Commerce

One Confidential Assistant to the Special Assistant to the Deputy Secretary. Effective September 4, 1985.

One Confidential Assistant to the Under Secretary, International Trade Administration. Effective September 5, 1985.

One Confidential Assistant to the Assistant Secretary for Tourism Marketing. Effective September 18, 1985.

One Confidential Assistant to the Deputy Assistant Secretary for Trade Adjustment Assistance, International Trade Administration. Effective September 18, 1985.

One Assistant Legislative Director to the Director of Congressional Affairs, National Oceanic and Atmospheric Administration. Effective September 26, 1985.

Department of Defense

One Assistant for Multilateral Negotiations to the Deputy Assistant Secretary of Defense (Negotiations Policy). Effective September 5, 1985.

One Special Assistant to the Assistant Secretary of Defense (Public Affairs). Effective September 19, 1985.

One Special and Confidential Assistant to the Director, Office of Civilian Health and Medical Program of the Uniformed Services, with duty location in Aurora, Colorado. Effective September 20, 1985.

One Special Assistant to the Assistant Secretary of Defense (Acquisition and Logistics). Effective September 27, 1985.

Department of Education

One Confidential Assistant to the Executive Assistant to the Under Secretary. Effective September 17, 1985.

One Special Assistant to the Director, Issues Analysis Staff, Office of the Under Secretary. Effective September 17, 1985.

One Special Assistant to the Executive Assistant to the Under Secretary. Effective September 17, 1985.

One Confidential Assistant to the Assistant Secretary for Special Education and Rehabilitative Services. Effective September 25, 1985.

One Special Assistant to the Executive Assistant to the Under Secretary. Effective September 25, 1985.

Two Special Assistants to the Assistant Secretary for Special Education and Rehabilitative Services. Effective September 25, 1985.

Department of Energy

One Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy. Effective September 17, 1985.

One Secretary (Confidential Assistant) to the Assistant Secretary for Environment, Safety, and Health. Effective September 18, 1985.

One Secretary (Confidential Assistant) to the Assistant Secretary for Management and Administration. Effective September 18, 1985.

One Confidential Assistant (Secretary) to the Special Assistant to the Secretary. Effective September 25, 1985.

One Legislative Affairs Specialist to the Staff Assistant, Office of Congressional, Intergovernmental, and Public Affairs. Effective September 25, 1985.

One Special Assistant to the Assistant Secretary for Environment, Safety and Health. Effective September 25, 1985.

One Staff Assistant to the Associate Director, Office of Resource Management, Office of Civilian Radioactive Waste Management. Effective September 25, 1985.

Department of Health and Human Services

One Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation (Congressional Liaison). Effective September 9, 1985.

One Assistant to the Secretary for Special Programs. Effective September 20, 1985.

One Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs. Effective September 20, 1985.

Department of Housing and Urban Development

One Special Assistant to the Executive Assistant to the Secretary. Effective September 16, 1985.

One Staff Assistant to the Under Secretary. Effective September 16, 1985.

One Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization, Office of the Secretary. Effective September 20, 1985.

One Special Assistant to the Under Secretary. Effective September 30, 1985.

Department of Justice

One Confidential Assistant (Private Secretary) to the Assistant Attorney General, Antitrust Division. Effective September 25, 1985.

Department of Labor

One Special Assistant to the Associate Deputy Under Secretary for Intergovernmental Affairs. Effective September 25, 1985.

One Staff Assistant to the Solicitor of Labor. Effective September 25, 1985.

One Confidential Staff Assistant to the Assistant Secretary, Employment and Training Administration. Effective September 26, 1985.

One Special Assistant to the Assistant Secretary, Employment and Training Administration. Effective September 27, 1985.

Department of Transportation

One Confidential Staff Assistant to the Chief Counsel, Federal Aviation Administration. Effective September 17, 1985.

Department of Treasury

One Director, Office of Business Affairs to the Assistant Secretary for Public Affairs and Public Liaison. Effective September 16, 1985.

One Legislative Assistant to the Assistant Secretary for Legislative Affairs. Effective September 26, 1985.

Consumer Product Safety Commission

One Attorney—Advisor to the General Counsel. Effective September 17, 1985.

Equal Employment Opportunity Commission

One Attorney—Advisor (Civil Rights) to the Chairman. Effective September 27, 1985.

General Services Administration

One Confidential Assistant to the Regional Administrator, with duty location in New York, New York. Effective September 4, 1985.

Occupational Safety and Health Review Commission

One Special Counsel to the Chairman. Effective September 16, 1985.

One Confidential Assistant to a Commissioner. Effective September 27, 1985.

Office of Personnel Management

One Special Assistant to the Director. Effective September 17, 1985.

One Special Assistant to the Director. Effective September 25, 1985.

President's Commission on White House Fellowships

One Assistant Director for Education Programs to the Director. Effective September 6, 1985.

One Associate Director, President's Commission on White House Fellowships, to the Director. Effective September 6, 1985.

Small Business Administration

One special Assistant to the Associate Administrator for Procurement Assistance. Effective September 17, 1985.

One Special Assistant to the Regional Administrator, with duty location in San Francisco, California. Effective September 17, 1985.

One Special Assistant to the Regional Administrator, with duty location in

Atlanta, Georgia. Effective September 18, 1985.

Two Assistant Administrators for Congressional and Legislative Affairs to the Administrator. Effective September 23, 1985.

One Special Assistant to the Associate Administrator for Minority Small Business and Capital Ownership Development. Effective September 25, 1985.

United States Trade Representative

One Public Affairs Specialist to the Assistant U.S. Trade Representative for Public, Private, Intergovernmental Affairs, Office of the U.S. Trade Representative, Executive Office of the President. Effective September 20, 1985.

Veterans Administration

One Confidential Assistant to the Associate Deputy Administrator for Logistics. Effective September 25, 1985.

U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 85–25666 Filed 10–28–85; 8:45 am]

BILLING CODE 6325–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Conservation and Electric Power Plan; Proposed Model Conservation Standard Amendments; Extension of Comment Period

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Extension of public comment period.

SUMMARY: The Northwest Power Planning Council previously set 5 p.m., Pacific time on October 21, 1985 as the deadline for receipt of pubic comments on proposed amendments to portions of its Northwest Conservation and Electric Power Plan (Plan) concerning model conservation standards (MCS) (50 FR 40091, Oct. 1, 1985). To accommodate a large number of persons who wished to present comments on those amendments at a public hearing scheduled for Seattle on October 21, the Council voted on October 21 to schedule an additional day for that hearing and extend the public comment period on the MCS amendments for two days.

DATES AND ADDRESSES: The Public comment period regarding the proposed MCS amendments will now close at 5 p.m. Pacific time on October 23, 1985 (rather than October 21, as previously announced). Additionally, the public hearing originally set for Seattle, Washington on Monday, October 21 has been continued for an additional day and will take additional public comments on Wednesday, October 23 beginning at 9 a.m. in the Leeward Room of the Downtown Hilton, 6th and University, Seattle. As noted in previous announcements, this hearing will take public comment of both the proposed MCS amendments and the Council's draft revision of its Plan.

FOR FURTHER INFORMATION CONTACT: Dulcy Mahar, Director of Public Information and Involvement, at the Council's central office (850 S.W. Broadway, Suite 1100, Portland, Oregon 97205 or 503–222–5161, toll free 1–800–222–3355 in Idaho, Montana and Washington or 1–800–452–2324 in Oregon).

Rick Applegate,

Executive Assistant.

[FR Doc. 85–25668 Filed 10–28–85; 8:45 am]

BILLING CODE 0000–00–M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Meeting

Notice is hereby given of meeting of the Prospective Payment Assessment Commission scheduled for Wednesday, November 13, 1985. The meeting will convene at 10:00 in the Hampton Room of the Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC, and will be open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 85–25525 Filed 10–28–85; 8:45 am]

BILLING CODE 6820–BW–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–22546; File No. SR–NASD–85–31]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Modification of the Small Order Execution System for Transactions in Over-The-Counter Securities.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 10, 1985, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The following is the full text of a rule change by the National Association of Securities Dealers, Inc. relating to modification of the facilities description of the Small Order Execution System for transactions in over-the-counter securities approved by the Commission in SR–NASD–84–26. This rule change was approved by the Commission in SR–NASD–85–25 and was effective for a period of 90 days to permit consideration by the Commission of approval of the proposed modification on a permanent basis. The text of the rule change is:

The National Association of Securities Dealers Inc. ("NASD") has filed as a stated policy, practice or interpretation, a description of a new facility which has been designed and developed by NASD Market Services, Inc. a subsidiary of the NASD.

NASD Market Services, Inc. has developed a Small Order Execution System ("SOES") which is an order routing and execution system, specifically designed to execute limited size orders [(initially 500 shares)] (*currently 500 shares for NASDAQ and 1,000 shares for NASDAQ/NMS securities*) in over-the-counter securities.

Remaining test is unchanged.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of SOES is to improve the efficiency of execution of transactions in over-the-counter

securities through the use of new data processing and communications techniques. The entry and execution of up to 1,000 shares in NASDAQ/NMS issues is part of the increased efficiency and capability of the system.

The statutory basis for the development and implementation of SOES is found in section 11A(a)(1) (B) and (C)(i), 15A(b)(6), and 17A(a)(1) (B) and (C) of the Securities Exchange Act of 1934 ("Act"). Section 11A(a)(1) (B) and (C)(i) sets forth the Congressional goal of achieving more efficient and effective market operations and the economically efficient execution of transactions through new data processing and communications techniques. Section 15A(b)(6) requires that the rules of the Association be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market. . ." Section 17A(a)(1) (B) and (C) sets forth the Congressional goal of reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The Association believes that the modification to SOES will further these ends by providing an enhanced mechanism for the efficient and economic execution and clearance of transactions in over-the-counter securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

SOES is a service to which participants subscribe on a voluntary basis and as such the Association believes that it imposes no burden on competition. To the extent that any burden on competition may be found to exist, the Association believes that the benefit of increased efficiency of SOES will outweigh any potential burden upon competition and materially advance the purposes to be served under the foregoing sections of the Act. It is also important to note that the transactional size provided for in SOES comports with transactional size in execution systems operated or under the control of other self-regulatory organizations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

Comments were neither solicited nor received in connection with the proposed modification to SOES.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period as the Commission may designate up to 120 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization located at 1735 K Street, NW., Washington, DC 20006. All submissions should refer to the file number in the caption above and should be submitted by Tuesday, November 19, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 21, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-25716 Filed 10-28-85; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2412.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549.

Revision
Form 15
File No. 270-170

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance revisions to Rules 12g-1, 12g-4 and 12h-3 and Form 15 which would allow termination of the registration of a class of securities or a suspension of the duty to file periodic reports when the issuers total assets were less than $5,000,000, this being an increase from the present level of $3,000,000. No other changes are being proposed at the present time to the Exchange Act classification system.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231 Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

John Wheeler,

Secretary.

September 30, 1985.

[FR Doc. 85-23781 Filed 10-28-8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

October 22, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Downey Savings and Loan Association
Common Stock, No Par Value (File No. 7-8638)
Countrywide Credit Industries, Inc.
Common Stock, $.05 Par Value (File No. 7-8639)
Educational Computer Corp.
Common Stock, $.10 Par Value (File No. 7-8640)
Vestron Inc.
Common Stock, $0.01 Par Value (File No. 7-8641)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 12, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–25789 Filed 10–28–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–22469A; File Nos. SR–Amex–84–29, SR–CBOE–84–27, SR–NASD–85–15, SR–NYSE–84–38, SR–PSE–84–20, SR–Phlx–84–32, and SR–Phlx–85–18]

Self-Regulatory Organizations; American Stock Exchange, Inc. Proposed Rule Change; Correction

This document corrects the percentage requirement cited for Treasury Notes that appeared on page 40634 of the adopting release on the uniform, premium-based customer margin system developed by the self-regulatory organizations, published on October 4, 1985 (50 FR 40633).

FOR FURTHER INFORMATION CONTACT: Eneida Rosa, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C., (202) 272–2893.

Accordingly, in FR Doc. 85–23839, published October 4, 1985, in the chart on page 40634, column 3, the uniform option margin requirements should read as follows:

The formula for initial and maintenance margin requirements for Treasury Notes is 100% of the current option premium plus three percent of the principal amount of the underlying Treasury Note.

Dated: October 23, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–25782 Filed 10–28–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–22550; File Nos. SR-Amex-85-33, SR-CBOE-82-17]

Self Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc. and Amendment to a Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating To Establishment of a Control-Based System of Aggregating Options Positions for the Purpose of Determining Options Position and Exercise Limits

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that the American Stock Exchange ("Amex") and Chicago Board Options Exchange, Incorporated ("CBOE") have filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the exchanges.[1] The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self/Regulatory Organizations' Statement of the Terms of Substances of the Proposed Rule Changes

The Exchanges have proposed to amend their rules to establish a control-based system of aggregating options positions for the purpose of determining options position and exercise limits.

The proposed system establishes "control" rather than "ownership" as the determinative factor for aggregation of accounts.[2] The exchanges propose to define "control" as the power to make investment decisions for an account or accounts, or to materially influence directly or indirectly the actions of any person who makes investment decisions. In either of these circumstances, control would be deemed to exist, and positions would be aggregated for purposes of position and exercise limits. In addition, control would be presumed to exist under certain circumstances indicative of interdependence between accounts. These circumstances are detailed below in the Statement of the Purpose of and Statutory Basis for the Proposed Rule Changes, which is Section II.A of the filing.

The presumption of control, however, would be rebuttable by a person or entity who could show good cause for nonaggregation. This approach permits the exchanges to engage in case-by-case consideration regarding the application of the proposed rules.

II. Self/Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the exchanges included statements concerning the purpose of and basis for the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The exchanges have prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Exchanges' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

Since the inception of the Amex and the CBOE's options trading programs, position and exercise limit rules (Amex Rules 904 and 905 and CBOE Rules 4.11 and 4.12) have limited the number of options contracts that can be owned and exercised in a single account within a five day period. The rules also require aggregation of option positions in accounts (1) under common ownership, (2) under common control, or (3) in which the controlling persons act in concert to accumulate positions.

The automatic aggregation of positions under common ownership mandates, for example, that the option positions of two entirely separate and independent subsidiaries must be aggregated with their parent companies. Hence, under the present rules, a securities firm's proprietary options account must be aggregated with a related company's institutional account, even though the investment decisions are made independently.

In December 1982 and Janury 1983, respectively, the Amex and the CBOE submitted proposals to the Commission to establish control rather than ownership per se as the determinative factor for aggregation of accounts. The Commission staff preliminarily agreed with the policy of aggregating only those accounts that are effectively controlled by a particular individual or entity. However, the Commission staff required the exchanges to amend the proposed rule changes to specifically describe the kinds of business relationships that will give rise to the presumption of control. Accordingly, the Amex and the CBOE have worked together to develop a common approach for the aggregation of options accounts and have drafted an

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[1] The Amex filed September 9, 1985 and the CBOE filed amendments to SR–CBOE–82–17 on September 19, 1985.

[2] The Amex's proposal would amend exchange Rules 904 and 905. The CBOE's proposal would amend exchange Rules 4.11 and 4.12, Rules 20.3 and 20.4 (regarding Government National Mortgage Association options), and Rules 21.3 and 21.4 (regarding Treasury options).

Information Circular detailing the circumstances in which control will be presumed.

After discussions between the Amex and the CBOE as well as with the other self-regulatory organizations, the exchanges propose to amend Amex Rules 904 and 905, and CBOE Rules 4.11, 4.12, 8.9.05, 20.3, 20.4, and 21.3 and 21.4 based solely on ownership. Instead, the exchanges will consider *control* of accounts as the determinative criteria for aggregating positions.

The exchanges proposes to define "control" as the power to make investment decisions for an account or accounts, or to materially influence directly or indirectly the actions of any person who makes investment decisions. Thus, if a person or entity has such power over two or more accounts, the exchanges would presume that control exists and that the positions in such accounts would be aggregated for purposes of position and exercise limits. In addition, control would be presumed: (1) between members of joint accounts; (2) between general partners; (3) upon a finding of an ownership interest of 10% or more in an entity by another entity; (4) when accounts have common directors or management; and (5) where a person or entity has the authority to execute transactions in an account.

The presumption of control, however, would be rebuttable by a person or entity who submits an affidavit or other documentary evidence sufficient to negate the presumption. The exchanges would consider the following factors in determining if aggregation of accounts would be required: (1) Similar patterns of trading acivity among separate entities; (2) the sharing of kindred business purpose and interests; (3) whether there is common supervision of the entities which extends beyond assuring adherence to each entity's investment objectives and/or restrictions; (4) the degree of contact and communication between directors and/or managers of separate accounts.[3]

Determinations under these criteria will be made by the Options Surveillance Department at the Amex, and the Market Surveillance Department at the CBOE. At the CBOE the intial determination may be reviewed by the President of the Exchange or his designee. A member or customer directly affected by such a determination may ask the President of the Exchange or his designee to reconsider, but may not request any other review or appeal, except in the context of a disciplinary proceeding. The Amex makes no special provisions for review of these determinations.

The proposed rule changes make materially uniform the language of the respective exchanges' rules concerning position limits. In addition, the CBOE revises the position and exercise limit rules concerning GNMA and Treasury options, respectively, in Chapters 20 and 21 of its rules, to incorporate the general rules found in Chapter 4 rather than restate them in these separate chapters. This incorporation by reference previously was effected in the CBOE's index options rules in Chapter 24, and will simplify, clarify and make consistent CBOE's position and exercise limit provisions.

The proposed rule changes are consistent with the requirements of the Securities Exchange Act of 1934 ("1934 Act") and the rules and regulations thereunder applicable to the exchanges by providing for a more practical standard for determining if the options positions of two or more accounts should be aggregated. Therefore, the proposed rule changes are consistent with section 6(d)(5) of the 1934 Act, which provides in pertinent part, that the rules of the exchanges be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organizations' Statement on Burden on Competition

The exchanges believe that the proposed rule changes will not impose a burden on competition.

C. Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organizations consent, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communciations relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filings also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file number in the caption above and should be submitted by November 19, 1985.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 21, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-25783 Filed 10-28-85; 8:45 am]

BILLING CODE 8010-01-M

[3] While the CBOE includes these provisions in its Interpretations and policies to Rule 4.11, the Amex incorporates them by reference to its Information Circular #85-00 which lists the above factors.

[Release No. 34-22554; File No. SR-NYSE-85-38]

Self-Regulatory Organization; Proposed Rule Change by New York Stock Exchange, Inc. Relating to the Formulation of Certain Trading Halt Procedures; Pending the Release of Significant News

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 16, 1985, the New York Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change relating to its trading halt procedures as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule changes consist of formulation of certain trading half procedures which will be incorporated in the NYSE Listed Company Manual as paragraph 202.07. Specifically, the procedures propose to address those situations where trading in a listed company's securities has been halted or delayed in the expectation of the subsequent release of a material news announcement, but no such announcement has been forthcoming.

Under such circumstances, while the time period for opening or reopening trading may vary from case to case as a result of the particular circumstances involved, normally if the announcement is not made within approximately 30 minutes after the delay or halt is implemented, the Exchange may commence the opening or reopening of trading.

The terms of the proposed rule changes are more fully set forth in Item II(A), below.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed trading halt procedures and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections (A), (B) and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(1) Purpose

Under the New York Stock Exchange's Telephone Alert policy, it is recommended that a listed company notify its Exchange representative at least ten minutes prior to making a material news announcement. The Exchange can then determine whether, in its opinion, trading in the company's securities should be temporarily halted or delayed in opening.

Over the last several months, the Exchange has been faced with a number of situations where trading in a listed company's securities has been halted or delayed in the expectation of the subsequent release of a material news announcement, but no such annoucement has been forthcoming.

Under these circumstances the Exchange faced a dilemma. Since pending news development may have a significant effect on trading, the Exchange feels that all investors should have an opportunity to learn of and react to news and to make informed investment judgments based on that knowledge before trading is resumed. Equally important to the Exchange, on the other hand, is the need to provide investors with a liquid market within which to buy or sell securities whenever they choose.

Decisions by the Exchange to halt or delay trading in a listed security and thereafter to resume trading necessarily depend upon the circumstances of each particular situation. While specific definition is not possible, the Exchange will in all cases be guided by its intention to maintain a fair, orderly and continuous market in its listed securities, insofar as reasonably practicable under the circumstances. In light of the experience gained and in an effort to balance the competing considerations involved, the Exchange has adopted the following policy:

Whenever the Exchange determines that trading in a listed security should be halted or delayed pending the release of a material news announcement:

- Implementaton of the halt or delay will be announced and the reason for the halt or delay will be stated "news pending";
- Thereafter, the Exchange will monitor the situation closely and will commence the opening or reopening of trading in the listed security in accordance with its normal procedures as soon as the material news announcement has been made. If the announcement is not made within a reasonable time after the halt or delay is implemented, trading in the listed security may be opened or reopened in the interests of providing a liquid market. While the time period may vary from case to case as a result of the particular circumstances involved, normally, if the announcement is not made within approximately 30 minutes after the delay or halt is implemented, the Exchange may commence the opening or reopening of trading in the listed security. Such action will be preceded by an annoucement to the effect that trading is resuming even though the material news announcement has not been released.

(2) Statutory Basis for the Proposed Rule Changes

The statutory basis for the proposed policy changes is Section 6(b)(5) of the Securities Exchange Act of 1934 as amended ("the Act") which, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Policy Changes Received From Members, Participants, or Others

The Exchange has not solicited comments on the proposed rule change and no unsolicited comments have been received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed procedure modifications that are filed with the Commission, and

all written communications relating to the proposed modifications between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 19, 1985.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: October 23, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-25784 Filed 10-28-85; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-8118]

Issuer Delisting; Application To Withdraw From Listing and Registration; Coradian Corp.

October 22, 1985.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Coradian Corporation is no longer eligible for continued dealing on the American Stock Exchange, as it has a tangible net worth of less than $4,000,000 and has sustained losses from continuing operations and/or net losses in three of its four most recent fiscal years. Coradian experienced the following losses in the last three fiscal years: 1984—$1,888,240; 1983—$4,150,433; 1982—$2,758,149. In addition, Coradian had a tangible net worth of $470,181 as of December 31, 1984.

Any interested person may, on or before November 12, 1985, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-25785 Filed 10-28-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14765; (812-6199)]

Wingate Housing Partners '85 Limited Partnership, et al.; Application for an Order Declaring That Applicant is Not an Investment Company, or in the Alternative

October 22, 1985.

Notice is hereby given that Wingate Housing Partners '85 Limited Partnership ("Partnership"), a limited partnership organized under the laws of the Commonwealth of Massachusetts, and its general partner, Wingate Development Corp. ("General Partner", and together with Partnership, "Applicants"), Old Central Wharf, 75 Central Street, Boston, Massachusetts 02109, filed an application on September 12, 1985, pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order declaring that Applicant is not an investment company, or, in the alternative, pursuant to section 6(c) of the Act exempting the Partnership from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the applicable statutory provisions.

The Partnership was formed in accordance with the provisions of the Massachusetts Uniform Limited Partnership Act on March 20, 1985, for the purpose of providing investors with a means of acquiring equity interests in two properties, both of which will be government-assisted rental housing developments in accordance with the policies and objectives of title IX of the Housing and Urban Development Act of 1968 ("Title IX"), or a similar program under Rhode Island law. The Partnership will invest as a "two-tier" entity—that is, that Partnership will invest as a limited partner in two other limited partnerships ("Local Limited Partnerships") which, in turn, will engage in the ownership and operation of housing suitable for low and moderate income persons ("Developments").

On August 2, 1985, the Partnership filed a registration statement on Form S-11 ("Registration Statement") under the Securities Act of 1933 ("Securities Act"), pursuant to which the Partnership intends to offer publicly 3,430 limited partnerships ("Interests") at a price of $1,000 per Interest. Purchasers of the Interests will become limited partners of the Partnership ("Limited Partners").

Subscriptions for Interests must be approved by the General Partner, and such approval will be made conditional upon representations as to suitability of the investment for each subscriber, including compliance with certain standards in regard to net worth and/or taxable income imposed by various states in which the Interests are expected to be offered.

The Partnership will be controlled and managed by the General Partner, but the Limited Partners, consistent with their limited liability status, will be entitled to vote on certain material matters affecting the operation of the Partnership. Limited Partners owning a majority of Partnership Interests will have the right to amend the partnership agreement, remove any General Partner and elect a replacement therefor, to sell or otherwise dispose of all, or substantially all, of the Partnership's assets and to dissolve the Partnership. In addition, under the partnership agreement, each Limited Partner is entitled to review all books and records of the Partnership at any and all reasonable times.

Applicants state that the Partnership will own between 90-99% of the limited partnership interests in the Local Limited Partnerships and that, accordingly, the Partnership will have effective control of each of the Local Limited Partnerships.

Applicants represent that all types of compensation and reimbursement to be paid to the General Partner and its affiliates at both the Partnership and Local Limited Partnership levels are specified in the prospectus included within the Registration Statement and are believed to be fair and reasonable and within applicable state guidelines, including those established by the North American Securities Administrators Associaiton, Inc. for real estate programs.

Applicants request that the Commission issue an order pursuant to section 3(b)(2) of the Act declaring that the Partnership is not an investment company within the meaning of section 3(a)(3) of the Act, or, in the alternative, that the Commission issue an order

pursuant to section 6(c) exempting the Partnership from all provisions of the Act. Without conceding that the Partnership is an investment company as defined in the Act, Applicants contend that the exemption of the Partnership from all provisions of the Act is both necessary and appropriate in the public interest and consistent with the protection of investors and the purposes and policies underlying the Act.

Applicants assert that investment in low and moderate income housing in accordance with the national policy expressed in Title IX is not economically suitable for private investors without the tax and organizational advantages of the limited partnership form. Applicants assert that the limited partnership structure provides an important means of bringing private equity capital into government-assisted housing, particularly because public investors typically consider investment in low and moderate income housing programs as involving greater risk than real estate investment generally. Applicants maintain that application of the Act would discourage two-tier limited partnership arrangements and thus eliminate one of the best available means of attracting private equity capital into government-assisted housing, and thereby frustrate national policy. Applicants maintain that the contemplated operations of the Partnership are not susceptible to abuses of the sort that the Act was designed to remedy. Applicants state that Partnership documents, including the Registration Statement, contain numerous provisions designed to ensure fair dealing by the General Partner with the Limited Partners of the Partnership. Applicants state that the suitability standards established for Limited Partners, the requirements for fair dealing and pertinent governmental regulations imposed on the Partnership and on the Local Limited Partnerships provide protection to investors comparable to and in some respects greater than that provided by the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than November 14, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–25786 Filed 10–28–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–23874; 70–7157]

Consolidated Gas Transmission Corp. et al.; Leasing of Excess Channels in Microwave Radio Facilities

October 23, 1985.

Consolidated Gas Transmnission ("Transmission"), 455 West Main Street, Clarksburg, West Virginia 26301, The East Ohio Gas Company ("East Ohio"), 1717 East Ninth Street, Cleveland, Ohio 44114, and The Peoples Natural Gas Company ("Peoples"), Two Gateway Center, Pittsburgh, Pennsylvania 15222, subsidiaries of Consolidated Natural Gas Company, a registered holding company, have filed an application with this Commission pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

Transmission, East Ohio, and Peoples individually hold Federal Communication Commission ("FCC") microwave licenses in frequency bands 928–960 megahertz, 2130–2200 megahertz, and 6525–6875 megahertz. In the case of Transmission, a non-utility, gas transmission company, microwave radio is used extensively for voice communications throughout its pipeline system in West Virginia, Pennsylvania, Ohio, and New York, as well as for data transmisison to and from the Consolidated System's main frame computer at Independence, Ohio, and for transmission of operating data to and from critical control points throughout the pipeline system. This includes telemetering of sales volumes and pressures at major delivery points to customers, activating station control valves at compressor stations, and activating some line valves. Valves can be activated and meters read throughout the pipeline system at the gas control center in the general office building at Clarksburg, West Virginia. East Ohio and Peoples, both of which are gss utility companies, use their microwave systems for basically the same purposes, although not as extensively due to their more limited operating areas.

On January 31, 1985, the FCC adopted amendments to Part 94 (47 CFR Part 94) of its rules and regulations authorizing licensees in the private, operational-fixed microwave radio service to lease excess microwave radio channels to non-affiliates for profit. The stated purposes of deregulation of the private, operational-fixed microwave radio service in which Transmission, East Ohio, and Peoples are licensed are to obviate the need for others to build redundant parallel systems, to enable small businesses to have access to microwave radio communications, to promote spectrum efficiency by allowing existing facilities to be used to maximum capacity, and to promote competition in the communications field.

Since Transmission, East Ohio, and Peoples have excess channels in their already existing microwave radio facilities, said companies propose to lease such excess channels to non-affiliates in a manner which will not interfere with their primary use and which is consistent with FCC regulation. Each company will determine individually what facilities it will lease and what it will charge, and each will retain the revenues generated by its own facilities.

It is stated that the excess channel capacity is a result of the FCC license process whereby carrier frequency and a band width is designated in the license. Telecommunications technology has advanced to allow more available channels within the allocated band width, and currently 600 channels can be provided where only 300 would fit a few years ago. The three companies are presently using less than 200 channels on systems capable of 600 channels.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 18, 1985, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the applicants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as amended or as it may be further amended, may be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–25788 Filed 10–28–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–23872; 70–7164]

New England Power Co.; Proposal To Acquire Outstanding Bonds Prior to Redemption

October 22, 1985.

New England Power Company ("NEP"), 25 Research Drive, Westborough, Massachusetts 01582, a subsidiary of New England Electric System, a registered holding company has filed an application-declaration with this Commission pursuant to sections 9(a), 10 and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 51 thereunder.

NEP seeks authorization to acquire all or part of two series of its outstanding General and Refunding Mortgage Bonds ("G&R Bonds") prior to the date on which the bonds can be called through a general redemption. These series are (i) Series E, 16%, due November 1, 2011 ("Series E Bonds"), and (ii) Series F, 16–5/8%, due June 1, 2012 ("Series F Bonds").

NEP proposes to acquire these Bonds through open market purchases or general offers to bondholders prior to the date on which the bonds can be called through a general redemption in order to take advantage of lower interest rates. NEP is prevented from redeeming the Series E Bonds before November 1, 1986, and the Series F Bonds before June 1, 987, if such redemption is for the purposes or in anticipation of refunding Bonds, or any part thereof, through the use, directly or indirectly, of funds borrowed by NEP at an effective interest cost to NEP of less than 16.12% per annum for the Series E Bonds and 16.93% per annum for the Series F Bonds. At September 30, 1985, there were $44,916,000 and $39,076,000 outstanding of the Series E and Series F Bonds, respectively.

NEP has filed a 24-month financing plan with the Commission (HCAR No. 23522, December 7, 1985). Pursuant to this plan, NEP expects to issue up to $40 million of G&R Bonds to support the issuance and sale of pollution control revenue bonds ("PCRBs") for expenditures associated with its ownership of the Millstone 3 nuclear project ("Millstone Bonds"). Pursuant to the order of the Massachusetts Department of Public Utilities, funds made available by this financing are to be used to redeem one or more series of outstanding long-term taxable G&R Bonds.

NEP plans to acquire the Series E and the Series F Bonds through funds made available by: (i) The issuance of the Millstone Bonds, (ii) other proposed issues of G&R Bonds to support the issuance and sale of tax exempt PCRBs, (iii) the issuance of short-term debt, or (iv) any combination of the above. It is expected that the combination of all proposed financings and acquisitions will leave essentially unchanged the level of both short-term and long-term borrowings of NEP after all such transactions are completed. By acquiring these high interest rate bonds, NEP will be able to reduce its cost of capital for the benefit of its ratepayers.

The Series E and Series F Bonds will be purchased at prices to be determined from time to time. In no event will NEP pay a price on the Series E Bonds that exceeds a level which would produce a yield to first call, as calculated using generally accepted financial practices, of less than 50% above the yield on the U.S. Treasury Note, 11% due November 1986, as published in The Wall Street Journal within five business days of the purchase or offer date. Similarly, in no event will NEP pay a price on the Series F Bonds exceeding a first call yield level of less than 50% above 10.5% Treasury Notes, due June 1987. During the last four months, the U.S. Treasury Notes, 11%, due 1986, has been priced with a yield as low as 7.90% and the U.S. Treasury Note, 10.5%, due June 1987, has been priced with a yield as low as 8.40%.

NEP may retain the services of a dealer manager to disseminate the offers to acquire the bonds and receive responses thereto. In the event an agreement with a dealer manager is negotiated, NEP will file by amendment a preliminary draft of such agreement.

Pledged First Mortgage Bonds ("Pledged Bonds") have been issued in conjuction with the issue of Series E and Series F Bonds to provide security for all outstanding G&R Bonds. Upon acquisition and retirement of the Series E and Series F Bonds, corresponding amounts of Pledged Bonds will be retired. At that time, NEP may be required to issue additional Pledged Bonds to further secure then outstanding G&R Bonds pursuant to the General and Refunding Mortgage Indenture and Deed of Trust.

NEP desires to retain the flexibility to take advantage of favorable market conditions. Therefore, NEP request authority to acquire Series E and Series F Bonds through the dates at which they may be called through general redemption without restriction, November 1, 1986 and June 1, 1987, respectively. If favorable market conditions have not developed by these dates, the respective bonds may be called through a general redemption.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing submit their views in writing by November 15, 1985 to the Secretary, Securities and Exchange Commission, Washington, DC, 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service by affidavit or, in case of an attorney at law, by certificate, should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–25787 Filed 10–28–85; 8:45 am]

BILLING CODE 8010–10–M

[Release No. 35–23871; 70–6620]

Yankee Atomic Electric Co.; Proposed Amendments to Credit Agreement

October 22, 1985.

Yankee Atomic Electric Company ("Yankee Atomic"), 1671 Worcester Road, Framingham, Massachusetts 01701, an electric utility subsidiary of New England Electric System and Northeast Utilities, registered holding companies, has filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

By order in this proceeding dated September 25, 1985 (HCAR No. 22205), Yankee Atomic was authorized to enter into a credit agreement with the Bank of Nova Scotia and the Bank of Nova Scotia International (Curacao) N.V. under which the company would sell to the banks notes maturing on June 30, 1990, up to aggregate principal amount of $15,000,000. Yankee Atomic seeks approval to amend the credit agreement

as follows: (1) The termination dates of the Credit Agreement and the maturity date of the notes issued thereunder are to be extended by one year to June 30, 1991; (2) the interest rate on all advances made by the Bank of Nova Scotia are to be reduced to ¾ of 1% above the Base Rate, as defined, from the current rate of 1⅛% above the Base Rate; (3) the interest rate on all advances made by the Bank of Nova Scotia International are to be reduced to 1⅛% above the LIBO Rate, as defined, from the current rate of 1⅜% above the LIBO Rate; and (4) the repayment period is extended, and the repayments are to be made according to a revised schedule. The Bank of Nova Scotia International Limited has succeeded to all right, title, and interest of the Bank of Nova Scotia International (Curacao) N.V. under the Credit Agreement.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 18, 1985, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–25790 Filed 10–28–85; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice CM–8/895]

Overseas Schools Advisory Council; Meeting.

The Overseas Schools Advisory Council, Department of State, will hold its Executive Committee meeting on Tuesday, December 17, 1985, 9:30 a.m., in Conference Room 1107, Department of State Building, Washington, DC.

Agenda items scheduled for discussion are as follows:

I. Welcome and Introduction of Participants
II. Greetings from the Department of State
III. Results of Surveys Concerning Schools Fund-Raising Drives and Activities of Regional Schools Associations
IV. Council's Program for Improving Educational Opportunities Abroad
  (a) Final Report of 1984 Program and Initial Progress Report on 1985 Program
  (b) Recommendations of Council's Evaluation Committee Regarding New Projects submitted by Regional Overseas Schools Associations for 1986 Program
  (c) Council's Efforts in Securing Necessary Participation for 1986 Program
V. Council's Communications with U.S. Corporations and Foundations
VI. Other Business

For purposes of fulfilling building security, members of the public desiring at attend the meeting should call Ms. Joyce Bruce, Office of Overseas Schools, Department of State, Washington, DC, Area Code 703–235–9600, prior to December 17. The public may participate in discussions at the Chairman's instructions.

Dated: October 22, 1985.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 85–25737 Filed 10–28–85; 8:45 am]

BILLING CODE 4710–24–M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1985 Rev., Supp. No. 6]

Surety Companies Acceptable of Federal Bonds; Termination of Authority; Iowa National Mutual Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Iowa National Mutual Insurance Company, of Cedar Rapids, Iowa, under Sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The Company was last listed as an acceptable surety on Federal bonds at 50 FR 27121, July 1, 1985.

With respect to any bonds currently in force with Iowa National Mutual Insurance Company, bond-approving officers for the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond branch, Washington, D.C. 20226, telephone (202) 634–2347.

Dated: October 17, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85–25739 Filed 10–28–85; 8:45 am]

BILLING CODE 4810–35–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 209
Tuesday, October 29, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 31, 1985, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda	Item No.	Subject
Common Carrier.	1	TITLE: Report and Order incorporating generally accepted accounting principles into the proposed Uniform System of Accounts being developed in CC Docket 78-196 to the extent that regulatory considerations allow. SUMMARY: The Commission will consider whether to incorporate generally accepted accounting principles (GAAP) into the Uniform System of accounts being developed in CC Docket 78-196. GAAP would be followed only to the extent that regulatory considerations allow.
	2	TITLE: Sales Agency Reconsideration Order and Evaluation of the Sales Agency Plans for the Furnishing of Customer Premises Equipment and Intrastate Basic Services. SUMMARY: This Commission will consider the adoption of an Order whether to affirm the *Sales Agency Order* permitting the Bell Operating Companies' subsidiaries to market intrastate basic services jointly with customer premises equipment. This Commission will also consider whether to grant the waiver petitions filed in relation to the Sales Agency Order; and whether to approve the sales agency plans filed by Ameritech, NYNEX, Bellsouth and US West.
	3	TITLE: Termination of Investigation of AT&T's Software Defined Network Service and Northwestern Bell's Software Network Capability service. SUMMARY: The Commission will consider a Memorandum Opinion and Order terminating investigation of AT&T's Transmittal No. 321 and Northwestern Bell's Transmittal No. 991 proposing tariff revisions establishing software defined network services, docketed as CC Docket No. 85-203.
	4	TITLE: Petitions to reject or to suspend and investigate tariff revisions filed by the American Telephone and Telegraph Company (AT&T) proposing to offer two interstate telecommunications services: Magacom and Megacom 800. SUMMARY: The Commission will consider a Memorandum Opinion and Order disposing of petitions to suspend and investigate or reject tariff revisions proposed by AT&T to establish "Megacom" and "Megacom 800" services. TITLE: International Competitive Carrier Policies. SUMMARY: The Commission will consider the adoption of a Report and Order in CC Docket No. 85-107 that concerns international competitive carrier policies.
Mass Media.	1	TITLE: Deletion of AM Application Acceptance Criteria in § 73.37(e) of the Commission's Rules. SUMMARY: In Docket No. 85-39, the Commission adopted a Notice of Proposed Rule Making proposing to delete the non-technical application criteria set forth in § 73.37(e) of the Rules. The Commission will consider a Report and Order disposing of the issues raised in this proceeding.
	2	TITLE: Review of Technical and Operational Requirements of Part 76, Cable Television. SUMMARY: The Commission will consider adoption of a Report and Order concerning cable TV signal quality standards.
	3	TITLE: In the matter of Review of Technical and Operational Requirements: Part 74-E Aural Broadcast STL and ICR Stations; and Part 74-F TV Auxiliary Broadcast Stations. SUMMARY: The Commission will consider adoption of an R&O to propose Rule changes: (1) affecting frequency authorization procedures; (2) allowing single sideband operation in the 944-952 MHz band; (3) permitting TV auxiliary use of UHF TV channels; (4) relaxing remote control rules; and (5) eliminating station identification requirement for fixed links.
	4	TITLE: Review of the Technical and Operational Requirements: Part 73, Subparts B, C, and H, FM Broadcast Stations. SUMMARY: The Commission will consider adoption of a Notice of Proposed Rule Making to deregulate the technical requirements for FM broadcast stations.
	5	TITLE: AM Broadcast Directional Antenna Sampling Systems and Proof of Performance Filed Strength Measurements. SUMMARY: The Commission will consider adoption of a Report and Order concerning the required AM broadcast directional antenna sampling system standards and periodic field strength measurements.
	6	TITLE: (1) Applications to assign the licenses of television stations WNEW-TV and W64AA (translator), New York, New York; KTTV, Los Angeles, California; KRLD-TV, Dallas, Texas; KRIV-TV, Houston, Texas; and WTTG, Washington, D.C., from Metromedia Radio & Television, Inc. to News America Incorporated (BALCT-850624KL-KP and BALCT-850624KR); (2) application to assign the license of station WFLD-TV, Chicago, Illinois, from WFLD Television, Inc. to News America Television Incorporated (BALCT-850624 KQ); and (3) an application to assign the license of station WCVB-TV, Boston, Massachusetts, from Metromedia Radio & Television, Inc. to The Hearst Corporation (BALCT-85624KK). SUMMARY: The Commission will consider News America Television Incorporated's (K. Rupert Murdoch) and The Hearst Corporation's applications to acquire television stations WNEW-TV, KTTV, KRLD-TV, KRIV-TV, WTTG and WCVB-TV. K. Rupert Murdoch presently controls *The New York Post*, published in New York, New York, and *The Chicago Sun-Times*, published in Chicago, Illinois. Since § 73.3555(c)(3) of the Commission's Rules prohibits common-ownership of a daily newspaper and a television station, Murdoch has requested a two-year period within which to divest of the newspapers. The Commission will also consider petitions to deny filed by Sue Gottfried; the California Association of the Physically Handicapped, Inc., the National Coalition on Television Violence; the Media Access Project; the Washington Association for Television and Children; Metrowest Corporation, licensee of WPWR-TV, Aurora, Illinois, and Anthony R. Martin-Trigona.

Federal Communications Commission.
Issued October 24, 1985.
William J. Tricarico,
Secretary.

[FR Doc. 85-25883 Filed 10-29-85; 2:38 pm]
BILLING CODE 6712-01-M

2

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 12:00 Noon, Monday, November 4, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed policy statements regarding confirmation and relocation expenses of Federal Reserve Board nominees. (This item

originally announced for a closed meeting on October 23, 1985.)

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 25, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–25895 Filed 10–25–85; 3:34 pm]

BILLING CODE 6210–01–M

3

NCULEAR REGULATORY COMMISSION

DATES: Weeks of October 28, November 4, 11, and 18, 1985.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of October 28

Thursday, October 31

10:00 a.m.
Discussion of Exemption Requests—Environmental Qualification (Public Meeting)
11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of November 4—Tentative

Monday, November 4

10:00 a.m.
Quarterly Source Term Briefing (Public Meeting)
2:00 p.m.
Continuation of 9/4 Discussion of Threat Level and Physical Security (Closed—Ex. 1)

Tuesday, November 5

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for River Bend (Public Meeting)
2:00 p.m.
Reserved Time for Environmental Qualification Discussions (Public Meeting) (if needed)

Wednesday, November 6

9:30 a.m.
Briefing on NUMARC Initiatives (Public Meeting)
2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of November 11—Tentative

Thursday, November 14

2:00 p.m.
Continuation of 9/11 Discussion of Proposed Station Blackout Rule (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, November 15

10:00 a.m.
Briefing on Policy Statement on Nuclear Power Plant Standardization (Public Meeting)

Week of November 18—Tentative

Monday, November 18

10:30 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Discussion of 1986 Policy and Planning Guidance (Public Meeting)

Tuesday, November 19

11:00 a.m.
Periodic Meeting with Advisory Panel on Decontamination of TMI–2 (Public Meeting)
2:00 p.m.
Briefing by Executive Branch (Closed—Ex. 1)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Affirmation of "Policy Statement on Confidentiality" (Public Meeting) was held October 24.

Year End Progam Review scheduled for October 25, *postponed.*

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado, (202) 634–1410.

Julia Corrado,

Office of the Secretary.

October 24, 1985.

[FR Doc. 85–25898 Filed 10–25–85; 3:50 pm]

BILLING CODE 7590–01–M

4

PAROLE COMMISSION

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:00 a.m.–5:30 p.m., Tuesday, October 29, 1985.

CHANGES IN MEETING: The new date and time is Tuesday, October 29, 1985 from 8:00 a.m. to 5:30 p.m. The time on Wednesday, October 30 remains from 9:00 a.m. to 5:30 p.m. Notice of this change is made at the earliest practicable time.

PLACE: 1718 Peachtree Street, NW., Atlanta, Georgia 30309.

STATUS: Open.

MATTERS TO BE CONSIDERED: Specified in original Public Announcement of Open Meeting published in the **Federal Register** on October 10, 1985, p. 41440.

CONTACT PERSON FOR MORE INFORMATION: Mary Armstrong, Confidential Assistant to Chairman, (301) 492–5990.

Dated: October 25, 1985.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 85–25882 Filed 10–25–85; 2:25 pm]

BILLING CODE 4410–01–M

5

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published].

STATUS: Open meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Monday, October 21, 1985.

CHANGE IN THE MEETING: Deletion.

The following item will not be considered at an open meeting for Thursday, October 31, 1985, at 10:00 a.m.

Consideration of whether to grant the application filed by IDS Mutual, Inc., et al., IDS/American Express Inc., IDS Life Insurance Company and Shearson Lehman/American Express Inc., et al. ("Applicants"), requesting an order pursuant to section 10(f) of the Investment Company Act of 1940 ("Act") exempting Applicants from the provisions of section 10(f) of the Act and Rule 10f–3 thereunder to the extent necessary to permit, under certain conditions, the

investment company Applicants to purchase through affiliated underwriting syndicates an aggregate amount of securities in excess of the percentage limitations in Rule 10f–3(d). For further information, please contact H.R. Hallock, Jr. at (202) 272–3030.

Commissioner Peters, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Powers at (202) 272–2091.

Dated: October 23, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–25779 Filed 10–24–85; 4:22 pm]

BILLING CODE 8010–01–M

federal register

Tuesday
October 29, 1985

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB Bulletins implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry, and publication in a uniform format. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following Parts in this issue of the **Federal Register** are the agency agendas, which together comprise the October 1985 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory projects, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503, (202) 395-6993.

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About the Unified Agenda

The **Unified Agenda of Federal Regulations** is compiled by the Regulatory Information Service Center for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing President Reagan's Executive Orders 12291 (Federal Regulation) and 12498 (Regulatory Planning). Under EO 12498, OMB published the **Regulatory Program of the United States Government** (April 1, 1985 - March 31, 1986).

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency head and of the President regarding the Significant Regulatory Actions (SRAs) that will be conducted during the program year to which it pertains.

The Regulatory Program and the Agenda differ in several ways. The Unified Agenda includes more regulatory actions because it covers almost every Federal agency and includes an exhaustive list of all rulemakings for each. This year's Regulatory Program covered only 17 of the major Federal regulatory agencies, and included only the most significant of all the regulatory actions that each

agency planned to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda, and includes more prerulemaking actions, i.e., studies, policy statements, hearings, advance notices of proposed rulemakings, and other agency activities that may lead to significant regulatory actions in future years.

In 1986, the Regulatory Program and the Unified Agenda will be integrated and their publication dates will be coordinated so as to make them more useful to the public and easier for the agencies to produce.

Many of the regulatory actions described in the **Regulatory Program of the United States Government** are included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications; however, occasionally, several Agenda entries were combined into one Program entry, and a new RIN was assigned to that entry in the Program.

This edition of the Unified Agenda includes 56 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included. The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government.

The Unified Agenda is produced through a computer system designed by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use.

For this edition of the Agenda, we created a computer-generated subject index of the information in the Agenda to help readers locate entries from various agencies that may affect a particular area of interest. The numbers in the index refer to the Sequence Numbers that appear before the title of each entry in the Agenda. All entries are numbered sequentially from the beginning to the end of the Agenda.

For those agencies that requested it, we provided a computer-produced Table of Contents that appears after the preamble of the agency's Agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them.

All agendas contain uniform data elements--regulation title, agency contact, small business effects, CFR citation, legal authority, abstract, and timetable. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones. We are especially interested in comments regarding the usefulness of the new subject index.

DATED: October 1, 1985.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate Part in this edition of the **Federal Register.** The Parts are organized alphabetically in four groups: cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in three groups:

1. Current and Projected Rulemakings--regulations the agency is currently developing or plans to develop during the next 12 months;

2. Existing Regulations Under Review--existing regulations the agency is reviewing to determine whether to propose modifications through rulemaking; and

3. Completed Actions--actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in its present section of the agenda for the first time.

The Agenda Sequence Number preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same number is used in the index to enable readers to find entries on specific subjects. Those agencies that chose to provide a Table of Contents at the beginning of their agendas also use the sequence number in their Table of Contents. These sequence numbers should help readers easily locate items of most interest to them, either by agency or by subject.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 such as military regulations and regulations related to internal agency management.

OMB Bulletin 85-21 states that entries describing regulations under development and review should contain, at a minimum, the following information:

- Title of the Regulation.
- Significance -- an indication of the significance of the entry.
  a. Whether or not the action was included in the **Regulatory Program of the United States Government.**
  b. If not, whether or not the agency considers the action a priority.

The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the United States Code (U.S.C.) or Public Law (PL) or the Executive order that authorize(s) the regulatory action (agencies may provide common name references to laws in addition to U.S.C. or PL references).
- CFR Citation -- the section(s) of the **Code of Federal Regulations** which affect or will be affected by the action.
- Abstract -- a description of the problem the regulation will address; to the extent available, the alternatives that the agency is considering to address the problem; and the potential costs and benefits of the action.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 10/00/85 means the agency can predict the

month and year the action will take place, but not the date it will occur.

- Effects on Small Businesses and Other Small Entities -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of August 27, 1985, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule, describing the general area that may be subject to regulation and asking for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a formal regulatory proposal.

CFR -- The **Code of Federal Regulations** is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area of Federal regulatory law. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register.**

EO -- An Executive order is a directive from the President to an executive agency, issued under Constitutional or statutory authority. Executive orders are published in the **Federal Register** and in Title 3 of the **Code of Federal Regulations.**

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents required by statute to be published.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, PL 97-17 would be the seventeenth public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of Section 2 of EO 12291, namely that it:

- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and
- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulatory Information Service Center assigns a Regulation Identifier Number to identify each regulatory action listed in the Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

[FR Doc. 85-24782 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part III

Department of Agriculture

Semiannual Regulatory Agenda

USDA

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda: Fall 1985

AGENCY: Office of the Secretary, Department of Agriculture.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and non-major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions; but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

ADDRESS: Requests for copies of the Agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 148-E, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382-1270.

DATED: September 13, 1985.

John R. Block,

Secretary.

Agricultural Marketing Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Mohair Standards	0581-AA06
2	Wool Standards	0581-AA12
3	Plant Variety Protection Board Meeting	0581-AA17
4	Establishment of User Fees for Cotton Market News Service	0581-AA18
5	Fees for Service for Voluntary and Mandatory Programs	0581-AA19
6	Review: Voluntary Grading of Poultry Products and Rabbit Products	0581-AA21
7	Milk Marketing Orders	0581-AA25

Agricultural Marketing Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
8	Review: Mandatory Inspection of Eggs and Egg Products	0581-AA22
9	Review: Grading of Shell Eggs	0581-AA23
10	Review: Voluntary Inspection and Grading of Egg Products	0581-AA24
11	Proposed Regulations for Fruits, Vegetables and Related Commodities as Authorized by Federal Marketing Orders	0581-AA26

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
12	Cotton Research and Promotion	0581-AA08
13	Revision of the Official Grade Standards for American Pima Cotton	0581-AA27

USDA

Agricultural Stabilization and Conservation Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
14	Standards for the Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils	0560-AA15
15	Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts (Amendment 1)	0560-AA29
16	National Average Loan Rates for 1985-Crop Quota and Additional Peanuts and Minimum Commodity Credit Corporation (CCC) Export Edible Sales Price for Additional Loan Peanuts	0560-AA31
17	1985 Price Support Level for Honey	0560-AA32
18	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
19	1985 Price Support Levels for All Kinds of Tobacco	0560-AA39
20	Fees for Voluntary Examinations	0560-AA45
21	1985 Sugar Beet and Sugarcane Loan Rates	0560-AA49
22	Regs. Relating to the Referral of Delinquent Debts to Credit Reporting Agencies	0560-AA50
23	1985-86 Milk Price Support Program (effective 10/1/85)	0560-AA51
24	1986 Wheat Program Regulations	0560-AA58

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
25	Standards for Approval of Warehouses for Cotton or Cotton Linters	0560-AA14
26	Standards for Approval of Warehouses of Grain, Rice, Dry Edible Beans, and Seed	0560-AA17
27	1985-Crop Peanut Price Support Program Differentials	0560-AA22
28	General Regulations Governing 1982 Through 1985 Crops Peanut Warehouse Storage Loans and Handler Operations (Amendment 3)	0560-AA27
29	1985 Wool and Mohair Incentive Payment Program	0560-AA28
30	1984-85 Milk Price Support Program - Notice of Price Support Level (effective 4/1/85)	0560-AA36
31	Minor Kinds Tobacco Marketing Quotas -- 1985 Crop	0560-AA44
32	1984-85 Milk Price Support Program - Notice of Price Support Level (effective 7/1/85)	0560-AA48
33	Determination of a National Marketing Quota and Acreage Allotment for the 1986/87 Wheat Marketing Year and the Conducting of a Producer Referendum	0560-AA52
34	Special Producer Storage Loan Program	0560-AA57

Animal and Plant Health Inspection Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
35	Revision of 7 CFR 319.56 - Fruits and Vegetables	0579-AA12

Farmers Home Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
36	Suspension and Debarment Regulations	0575-AA02
37	Revision of FmHA Instruction 1944-A, "Section 502 Rural Housing Loan Policies, Procedures and Authorizations," to Implement the Requirements of the Rural Housing Amendments of 1983	0575-AA21
38	Mobile/Manufactured Housing Parks/Communities for Rental Purposes	0575-AA08
39	Special Debt Set-Aside of a Portion of the Indebtedness of Farmer Program Borrowers	0575-AA10
40	Revisions to Regulations Mandated by 1983 Housing Amendments (P.L. 98-181)	0575-AA20
41	FmHA Guarantees of Commercial Lender's Farm Ownership (FO) and Operating Loans (OL) with Accompanying Lender Principal Write Down and/or Interest Rate Reduction	0575-AA22

USDA

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
42	Property Management	0575-AA03
43	Development Grants for Community Domestic Water and Waste Disposal System	0575-AA06
44	FmHA Guarantees of Commercial Lenders' Farm Ownership (FO) and Operating Loans (OL) with Accompanying Lender "Write-Down"	0575-AA09

Federal Grain Inspection Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
45	Kinds of Official Services	0580-AA02
46	Recordkeeping and Access to Facilities	0580-AA05

Federal Grain Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
47	Fees for Official Services Performed by Official Agencies	0580-AA01
48	Licenses and Authorizations	0580-AA06
49	Official Records and Forms	0580-AA07

Food and Nutrition Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
50	OBRA 1982	0584-AA04
51	Issuance Loss Liability	0584-AA05
52	Food Distribution Program	0584-AA07
53	Food Distribution Program on Indian Reservations	0584-AA09
54	Food Stamp Program: Revision of Parts 271, 272, 273 and 274	0584-AA10
55	Temporary Emergency Food Assistance Program For Fiscal Years 1984 and 1985	0584-AA15
56	Food Stamp Program: Reimbursing Workfare's Administrative Costs	0584-AA20
57	Emergency Food Assistance for Victims of Disasters	0584-AA24
58	Extension of the National Commodity Processing Program	0584-AA26
59	Audit Requirements in the Child Care Food Program	0584-AA30
60	Rewrite of Regulations on Determining Eligibility for Free and Reduced Price Benefits	0584-AA32
61	NSLP Verification Monitoring/and AIMS	0584-AA33
62	Management Evaluations and Corrective Action Plans	0584-AA37
63	Forfeiture Procedures/Bonding	0584-AA40
64	Rewrite of National School Lunch Program Regulations	0584-AA43
65	Administrative Review Process Arbitration	0584-AA46
66	Food Stamp Program: TFP/Deduction Update	0584-AA51
67	Food Stamp Program: Conformance with AFDC Rules	0584-AA52
68	Food Stamp Program: Deficit Reduction Act	0584-AA53
69	Meat Alternates Used in Child Nutrition Programs	0584-AA58

USDA

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
70	Food Stamp Program: Waiver Simplification/MRRB Amendments	0584-AA02
71	Alaska Thrifty Food Plan	0584-AA16
72	Amendments to Requirements for State Agency Reporting	0584-AA19
73	Miscellaneous Amendments - Child Care Food Program	0584-AA28
74	Competitive Foods	0584-AA39
75	Documentation and Verification of Eligibility in the Child Care Food Program	0584-AA49
76	Proposed Rule Concerning State Processing of USDA-Donated Foods	0584-AA50

Food Safety and Inspection Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
77	Pizza Standard (78-733)	0583-AA07
78	Canning of Meat and Poultry Products	0583-AA08
79	Definitions and Standards for Cooked Poultry Sausage	0583-AA10
80	Protein Requirements for Turkey Ham	0583-AA11
81	Barbeque Standard	0583-AA12
82	Requirements Regarding Poultry Products Made by Mechanical Deboning	0583-AA15
83	Extension of Operating Schedules for Total Quality Control Plants	0583-AA16

Food Safety and Inspection Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
84	Records, Registration, and Reports	0583-AA00
85	Administrative Regulations	0583-AA02
86	Red Meat Slaughter Regulations	0583-AA03
87	Label Approval Regulations	0583-AA05
88	Transportation	0583-AA19

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
89	Imported Cured Pork Products	0583-AA09
90	Poultry Slaughter Regulations	0583-AA18

Foreign Agricultural Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
91	Revision of 7 CFR Part 6, Section 22 Import Quotas; Certain Dairy Products	0551-AA02
92	Revision of Public Law 480 Regulations, 7 CFR, Sections 17.1 through 17.8 and 17.16	0551-AA04
93	Revision of Public Law 480 Regulations, 7 CFR Sections 17.6, 17.8 and 17.9	0551-AA05
94	Quarterly Sugar Import Fee Determination	0551-AA06
95	African Food Assistance Program	0551-AA07
96	U.S. Meat Imports	0551-AA09
97	Amendment to 7 CFR Part 6, Section 22 Import Quotas; Certain Dairy Products	0551-AA11
98	Emergency Relief from Certain Perishable Products Imported from Israel	0551-AA12

USDA

Foreign Agricultural Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
99	Review of the United States Sugar Import Quota System	0551-AA13
100	Export Enhancement Program	0551-AA15
101	Import Limitation: Country of Origin Quota Adjustment	0551-AA16

Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
102	Within Quarter Sugar Import Fee Adjustment	0551-AA14

Forest Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
103	Debarment and Suspension of Timber Sale Contractors	0596-AA09
104	Recovery of Federal Costs Associated with User Reservation Systems on Some National Forest Recreation Areas	0596-AA16
105	Revision of Advertisements for Sale of National Forest Timber	0596-AA18
106	Administration of Cooperative or Federal Sustained Yield Units	0596-AA19
107	Special Uses of National Forest System Lands	0596-AA20
108	Exercise of Timber, Mineral and Water Rights, of Rights-of-Way, and of Rights to Use and Occupy Lands Conveyed to the U.S.	0596-AA21
109	Management of Municipal Watersheds	0596-AA22
110	Land Status and Title Records	0596-AA24
111	Cash Down Payments, Periodic Payments for National Forest Timber Contracts	0596-AA29
112	Add Section to 36 CFR 251.53 - Special Uses to Include Alaska National Interest Land and Conservation Act as an Authority and Add Regulation 36 CFR 251.70 on Ingress and Egress to ETC	0596-AA31
113	Periodic Payments for National Forest Timber Sale Contracts	0596-AA33

Forest Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
114	Range Management-Grazing and Livestock Use and Management of Wild-Free-Roaming Horses and Burros	0596-AA14
115	Entrance into Petersburg Watershed	0596-AA23
116	Young Adult Conservation Corps	0596-AA26
117	Experimental Areas and Research Natural Areas	0596-AA30
118	Youth Conservation Corps	0596-AA32

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
119	Sale of Lands Pursuant to Section 10 of the Act Approved March 1, 1911	0596-AA04
120	Sale of National Forest Townsites to Government Entities	0596-AA08
121	To Require (Disqualified) High Bidders on Timber Sale Contracts, to Reimburse the Forest Service for the Administrative Costs Incurred in Readvertising the Sale	0596-AA27
122	Administration of the Forest Development Transportation System	0596-AA00
123	Locatable Minerals	0596-AA01

USDA

Forest Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
124	Use of Motor Vehicles Off Forest Development Roads	0596-AA05

Office of Finance and Management—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
125	Amend USDA Uniform Federal Assistance Regulations	0505-AA01
126	Amend USDA Uniform Federal Assistance Regulations, 7 CFR 3015, Subpart I, Audits	0505-AA03
127	Amend USDA Uniform Federal Assistance Regulations, 7 CFR 3015 Subpart Q, Application for Federal Assistance	0505-AA04

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
128	Rescind Uniform Relocation Regulations	0503-AA02

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
129	Acquisition Regulation	0503-AA01

Rural Electrification Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
130	REA Bulletin 320-23, Construction Certification Procedures for Designated Telephone Borrowers	0572-AA04
131	REA Bulletin 50-1, Electric Transmission Specifications and Drawings (T-805)	0572-AA06
132	REA Bulletin 50-4, Specifications and Drawings for 34.5/19.9 kV Distribution Line Construction (D-801)	0572-AA13
133	REA Bulletin 345-67, REA Specification for Filled Telephone Cable (PE-39)	0572-AA05
134	REA Bulletin 345-76, REA Specification for Spring Action Type Bonding Connectors Within Buried Plant Housings (PE-57)	0572-AA07
135	REA Bulletin 345-6, REA Standard for Splicing Plastic-Insulated Cables (PC-2)	0572-AA08
136	REA Bulletin 345-22, REA Specification for Voice Frequency Loading Coils (PE-26)	0572-AA09
137	REA Bulletin 345-65, REA Specification for Cable Shield Bonding Connectors (PE-33)	0572-AA10
138	REA Bulletin 345-72, REA Specification for Filled Splice Enclosures (PE-74)	0572-AA15

Soil Conservation Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
139	Soil Surveys	0578-AA00
140	Prime and Unique Farmlands	0578-AA10

USDA

Soil Conservation Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
141	Snow Surveys and Water Supply Forecasts	0578-AA01
142	Relocation Assistance	0578-AA12

Soil Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
143	Acquisition of Real Property Under Federally Assisted Programs	0578-AA09
144	Long Term Contracting	0578-AA03

DEPARTMENT OF AGRICULTURE (USDA)

Current and Projected Rulemakings

Agricultural Marketing Service (AMS)

1. MOHAIR STANDARDS

Legal Authority: Agricultural Marketing Act of 1946; 60 Stat. 1087 to 1091; 7 USC 1621 et seq

CFR Citation: 7 CFR 32

Abstract: Combine grade standards for mohair and mohair top into one standard. (AMS 84-014)

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA06

2. WOOL STANDARDS

Legal Authority: 7 USC 1621 et seq; 7 USC 1622; 7 USC 1624; 29 FR 16210; 30 FR 1260, as amended; 30 FR 2160

CFR Citation: 7 CFR 31

Abstract: Combine grade standards for grease wool and wool top into one standard. (AMS 84-016)

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA12

3. PLANT VARIETY PROTECTION BOARD MEETING

Legal Authority: 7 USC 2330

CFR Citation: 7 CFR 180.2

Abstract: The Plant Variety Protection Board may meet one or more times in 1985 to advise the Secretary on administration of the PVP Act and to advise the Secretary on any appeals of the Commissioner's decisions. (AMS 84-010)

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA17

4. ESTABLISHMENT OF USER FEES FOR COTTON MARKET NEWS SERVICE

Legal Authority: 7 USC 471 to 476

CFR Citation: 7 CFR 28

Abstract: To establish fees to recover costs of postage, reproduction and handling of cotton market news reports requested by mail by the general public. (AMS 84-009)

Timetable:

Action	Date	FR Cite
NPRM	09/01/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA18

5. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946; 21 USC 1031 to 1056; Egg Products Inspection Act; 7 USC 51 et seq Cotton Standards Act

CFR Citation: 7 CFR 26 to 209

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA19

6. REVIEW: VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 70

Abstract: This regulation describes the basis, requirements, and administration of the voluntary grading service for poultry products and rabbit products and U.S. classes, standards and grades. (AMS 85-015)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	06/24/85	
NPRM	09/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA21

7. MILK MARKETING ORDERS

Legal Authority: 7 USC 601 to 674

CFR Citation: 7 CFR 1000 to 1199

Abstract: Specific actions unknown. As industry problems develop, actions will be requested by the industry. USDA-AMS will respond, where warranted, through formal or informal rulemaking proceedings as appropriate. (AMS 85-016)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA25

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Existing Regulations Under Review

8. REVIEW: MANDATORY INSPECTION OF EGGS AND EGG PRODUCTS

Legal Authority: 21 USC 1031 to 1056; Egg Products Inspection Act

CFR Citation: 7 CFR 59

Abstract: This regulation describes the basis, requirements, and administration of the mandatory inspection program for eggs and egg products. (AMS 85-014)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	11/01/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA22

9. REVIEW: GRADING OF SHELL EGGS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 56

Abstract: This regulation describes the basis, requirements, and administration of the service for grading shell eggs and U.S. standards, grades, and weight classes. (AMS 85-013)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	11/01/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA23

10. REVIEW: VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 55

Abstract: This regulation describes the basis, requirements, and administration of voluntary inspection and grading services for egg products. (AMS 85-012)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	11/01/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA24

11. PROPOSED REGULATIONS FOR FRUITS, VEGETABLES AND RELATED COMMODITIES AS AUTHORIZED BY FEDERAL MARKETING ORDERS

Legal Authority: 7 USC 601 et seq; Agricultural Marketing Agreement Act of 1937, as amended

CFR Citation: 7 CFR 900 to 999

Abstract: The objective of proposed regulations is to provide for orderly marketing of specific commodities through such means as control of quality, quantity, containers, research and development; as may be authorized by the applicable individual marketing order.

USDA—AMS **Existing Regulations Under Review**

Proposed regulations as authorized, as well as new orders and amendments to existing orders are anticipated throughout the year, but cannot be specifically identified at this point. (AMS 85-017)

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA26

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Completed Actions

COMPLETED RULEMAKINGS

12. COTTON RESEARCH AND PROMOTION

CFR Citation: 7 CFR 1205

Completed:

Reason	Date	FR Cite
Final Action	03/19/85	50 FR 10929

Small Entity: No

Agency Contact: Harold S. Ricker 202 447-2704

RIN: 0581-AA08

13. REVISION OF THE OFFICIAL GRADE STANDARDS FOR AMERICAN PIMA COTTON

CFR Citation: 7 CFR 28

Completed:

Reason	Date	FR Cite
Final Action	06/18/85	50 FR 25197

Small Entity: No

Agency Contact: Harold S. Ricker 202 447-2704

RIN: 0581-AA27

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Stabilization and Conservation Service (ASCS)

Current and Projected Rulemakings

14. STANDARDS FOR THE APPROVAL OF DRY AND COLD STORAGE WAREHOUSES FOR PROCESSED AGRICULTURAL COMMODITIES, EXTRACTED HONEY, AND BULK OILS

Legal Authority: 7 USC 714 Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1423

Abstract: The Commodity Credit Corporation (CCC) Charter Act states that in carrying out CCC's purchasing and selling operations, and in the warehousing, transporting, processing and handling of agricultural commodities, CCC is to use the customary channels, facilities and arrangements of trade and commerce. Accordingly, CCC has set forth standards which must be met by a warehouseman before CCC will enter a contract. This action will revise part of the policy followed in approving warehouses for storage and handling of commodities under CCC programs. (ASCS 84-033)

Timetable:

Action	Date	FR Cite
NPRM	05/06/85	50 FR 19026
Final Action	09/00/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA15

15. POUNDAGE QUOTA AND MARKETING REGULATIONS FOR THE 1983 THROUGH 1985 CROPS OF PEANUTS (AMENDMENT 1)

Legal Authority: Ag Adjustment Act of 1938, as amended; Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 729

Abstract: Consider setting the maximum moisture content of peanuts (without discount) at 7 percent for all peanuts regardless of area of production. (ASCS 84-021)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/13/84	49 FR 44889
Final Action	09/07/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA29

16. NATIONAL AVERAGE LOAN RATES FOR 1985-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT EDIBLE SALES PRICE FOR ADDITIONAL LOAN PEANUTS

Legal Authority: Ag Adjustment Act of 1938, as amended; CCC Charter Act of 1948, as amended; Ag Act of 1949, as amended

CFR Citation: 7 CFR 729; 7 CFR 1446

Abstract: The object of this action is to set loan levels to support farm income and stabilize prices. The CCC export edible sales price minimizes CCC net outlays and maximizes returns to growers of additional peanuts. (ASCS 84-013)

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48344
Announcement - Statutory	02/14/85	
Final Action	09/21/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA31

17. 1985 PRICE SUPPORT LEVEL FOR HONEY

Legal Authority: 7 USC 1446 Ag Act of 1949, Sec 201, as amended

CFR Citation: 7 CFR 1434

Abstract: The Agricultural Act of 1949, as amended, requires that the price of honey be supported at not less than 60 percent nor more than 90 percent of parity. (ASCS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	02/22/85	50 FR 7359
Announcement	03/29/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA32

18. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

Legal Authority: 15 USC 714(k) Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Abstract: Regulations will revise policy, authorities, procedures, and responsibilities for settling claims by and against CCC. (ASCS 84-034)

Timetable:

Action	Date	FR Cite
NPRM	12/02/85	
Final Action	02/28/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA38

19. 1985 PRICE SUPPORT LEVELS FOR ALL KINDS OF TOBACCO

Legal Authority: 7 USC 1445 Ag Act of 1949, Sec 106, as amended

CFR Citation: 7 CFR 1464

Abstract: The object of this proposal is to stabilize tobacco prices. (ASCS 84-011)

Timetable:

Action	Date	FR Cite
Announcement Flue-Cured	02/28/85	
NPRM	04/17/85	50 FR 15200
Final Action Flue-Cured	04/17/85	50 FR 15202
Final Action Other	09/30/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA39

20. FEES FOR VOLUNTARY EXAMINATIONS

Legal Authority: 7 USC 241 to 273 United States Warehouse Act

CFR Citation: 7 CFR 102

Abstract: Warehousemen who request an examination will be charged a fee for the service. (Transferred to ASCS. Formerly AMS 84-011.) (ASCS 84-051)

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 26776
Final Action	09/30/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA45

21. 1985 SUGAR BEET AND SUGARCANE LOAN RATES

Significance: Regulatory Program

Legal Authority: 7 USC 1446(h); Agricultural Act of 1949, Sec 201(h)

CFR Citation: 7 CFR 1435.110 et seq

Abstract: The objective of this action is to determine and announce the price support loan rates for the 1985 crops of sugar beets and sugarcane. The determination of these loan rates is required by the Agricultural Act of 1949, as amended. Establishment of the price for raw sugar at 18.00 cents per pound or above is being considered. Establishing raw cane sugar above 18.00 cents per pound could cost consumers and cause the Commodity Credit Corporation to receive sugar by forfeiture. The loan rate for refined beet sugar is to be established at such level which is determined to be fair and reasonable in relation to the loan rate established for raw cane sugar. (ASCS 84-040)

Timetable:

Action	Date	FR Cite
NPRM	08/22/85	50 FR 33989
Final Action	10/01/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA49

22. REGS. RELATING TO THE REFERRAL OF DELINQUENT DEBTS TO CREDIT REPORTING AGENCIES

Legal Authority: 4 CFR 101 to 105; 15 USC 714b The Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Abstract: To implement debt collection legislation and regulations that require disclosure of debts to credit reporting agencies.

To provide incentive for delinquent debtors to repay debts owed to the Government. (ASCS 85-006)

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
Final Action	11/30/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA50

23. 1985-86 MILK PRICE SUPPORT PROGRAM (EFFECTIVE 10/1/85)

Significance: Regulatory Program

Legal Authority: The Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 1430

Abstract: The Agricultural Act of 1949 (the Act), as amended, requires that the price support for milk shall be carried out through purchase of milk or milk products. The Act requires that the price of milk to producers be supported at such level between 75 and 90 percent of parity as would assure an adequate supply of milk, reflect changes in the cost of production, and assure a level of farm income to maintain productive capacity sufficient to meet future needs.

In the absence of new legislation, the minimum price support level on October 1, 1985, would revert to 75 percent of parity. (ASCS 85-009)

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	50 FR 31206
Final Action	09/30/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA51

24. ● 1986 WHEAT PROGRAM REGULATIONS

Significance: Regulatory Program

Legal Authority: 7 USC 1336; Agricultural Adjustment Act of 1938, Sec. 336, as amended; 7 USC 1339; Agricultural Adjustment Act of 1938, Sec. 339, as amended; 7 USC 1379; Agricultural Adjustment Act of 1938, Sec. 379, as amended; 7 USC 1441; Agricultural Act of 1949, Sec. 101, as amended; 7 USC 1445a, note; Agricultural Act of 1949, Sec. 107, as amended

CFR Citation: 00 CFR Not yet determinded

Abstract: This action would determine the referendum process and land use program, and establish loan and purchase rates, and the marketing certificate allocation program for the 1986 crop of wheat.

The provisions of section 107b of the Agricultural Act of 1949 expires with the 1985 crop of wheat. Without new legislation, authority for the 1986 Wheat Program reverts to permanent legislation. Using this authority, the Secretary has proclaimed quotas and must conduct a producer referendum for wheat for the marketing year beginning June 1, 1986. Section 336 of the Agricultural Adjustment Act of 1938, as amended, requires that the referendum be conducted no later than 3 days after adjournment sine die of the first session of the Ninety-Ninth Congress. (ASCS 85-011)

Timetable:

Action	Date	FR Cite
NPRM	06/05/85	50 FR 23744
NPRM	06/25/85	50 FR 26215
Final Action	10/01/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA58

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Stabilization and Conservation Service (ASCS)

Completed Actions

COMPLETED RULEMAKINGS

25. STANDARDS FOR APPROVAL OF WAREHOUSES FOR COTTON OR COTTON LINTERS

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	04/26/85	50 FR 16453

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA14

26. STANDARDS FOR APPROVAL OF WAREHOUSES OF GRAIN, RICE, DRY EDIBLE BEANS, AND SEED

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	07/22/85	50 FR 29639

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA17

27. 1985-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	05/22/85	50 FR 21105

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA22

28. GENERAL REGULATIONS GOVERNING 1982 THROUGH 1985 CROPS PEANUT WAREHOUSE STORAGE LOANS AND HANDLER OPERATIONS (AMENDMENT 3)

CFR Citation: 7 CFR 1446

Completed:

Reason	Date	FR Cite
Final Action	03/18/85	50 FR 10750

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA27

29. 1985 WOOL AND MOHAIR INCENTIVE PAYMENT PROGRAM

CFR Citation: 7 CFR 1468; 7 CFR 1472

Completed:

Reason	Date	FR Cite
Final Action	06/28/85	50 FR 26813

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA28

30. 1984-85 MILK PRICE SUPPORT PROGRAM - NOTICE OF PRICE SUPPORT LEVEL (EFFECTIVE 4/1/85)

Significance: Agency Priority

CFR Citation: 7 CFR 1430

Completed:

Reason	Date	FR Cite
Final Action	04/03/85	50 FR 13258

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA36

31. MINOR KINDS TOBACCO MARKETING QUOTAS -- 1985 CROP

CFR Citation: 7 CFR 724

Completed:

Reason	Date	FR Cite
Final Action	06/10/85	50 FR 24258

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA44

32. 1984-85 MILK PRICE SUPPORT PROGRAM - NOTICE OF PRICE SUPPORT LEVEL (EFFECTIVE 7/1/85)

Significance: Agency Priority

CFR Citation: 7 CFR 1430

Completed:

Reason	Date	FR Cite
Final Action	07/05/85	50 FR 27647

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA48

33. DETERMINATION OF A NATIONAL MARKETING QUOTA AND ACREAGE ALLOTMENT FOR THE 1986/87 WHEAT MARKETING YEAR AND THE CONDUCTING OF A PRODUCER REFERENDUM

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	04/18/85	50 FR 15466

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA52

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

34. ● SPECIAL PRODUCER STORAGE LOAN PROGRAM

Legal Authority: Commodity Credit Corporation Charter Act, as amended

CFR Citation: 7 CFR 1421

Abstract: This action would allow farmers to maintain control of their own grain under a new producer storage loan program. Advance storage payments for grain pledged as security for the new loans would be made to producers by CCC at the same storage rate which is applicable to the farmer-owned reserve program. (ASCS 85-015)

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/25/85	50 FR 16221
Final Action	07/31/85	50 FR 30925

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA57

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Current and Projected Rulemakings

35. REVISION OF 7 CFR 319.56 - FRUITS AND VEGETABLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to ff; 7 USC 159; 7 USC 162

CFR Citation: 7 CFR 319.56

Abstract: An increased number of exotic pests have been introduced recently into the United States. Some of these pests may have arrived on importations of fruits and vegetables. Since these pests are capable of causing extensive economic damage, Plant Protection and Quarantine (PPQ) is considering the development of an improved system for determining the entry status of agricultural products, particularly fruits and vegetables. (APHIS 85-008)

Timetable:

Action	Date	FR Cite
NPRM	09/01/85	
Final Action	02/01/86	

Small Entity: Undetermined

Agency Contact: Nick Bedessem, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, 301 436-5533

RIN: 0579-AA12

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)

Farmers Home Administration (FmHA)

Current and Projected Rulemakings

36. SUSPENSION AND DEBARMENT REGULATIONS

Legal Authority: 7 USC 1989; 42 USC 1480(j)

CFR Citation: 7 CFR 1924

Abstract: This regulatory activity will improve FmHA's suspension and debarment system by establishing regulations that are compatible with other federal agency regulations. (FmHA 82-004)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575–AA02

37. REVISION OF FMHA INSTRUCTION 1944-A, "SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS," TO IMPLEMENT THE REQUIREMENTS OF THE RURAL HOUSING AMENDMENTS OF 1983

Significance: Regulatory Program

Legal Authority: 42 USC 1480(j) et seq

CFR Citation: 7 CFR 1924; 7 CFR 1944

Abstract: The need for Government action is mandated by changes in the Agency's authorizing statute requiring corresponding changes in the FmHA rural housing program. The objectives of the action are: (1) allow extension of terms for applicants for initial loans with incomes of not more than 60 percent of median income for up to 38 years if needed for repayment ability; (2) give priority to applicants with the greatest need for housing because of their low income and inadequate dwellings, and to those applicants who will reside in areas which are the most rural in character; (3) implement Section 502 loans to purchase mobile/manufactured homes and sites, and certain allowable expenses for transportation and set-up. (Item (3) has been made a separate publication.) (FmHA 84-003)

Timetable:

Action	Date	FR Cite
NPRM Item (3)	09/00/85	
NPRM Items (1) & (2)	12/00/85	
Final Action Item (3)	01/00/86	
Final Action Items (1) & (2)	03/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575–AA21

38. MOBILE/MANUFACTURED HOUSING PARKS/COMMUNITIES FOR RENTAL PURPOSES

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944

Abstract: The objectives of the action are to provide financing to eligible applicants to develop mobile/manufactured housing parks/communities for rental purposes to eligible occupants as provided for in the Rural Housing Amendments of 1983. (FmHA 84-007)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575–AA08

39. SPECIAL DEBT SET-ASIDE OF A PORTION OF THE INDEBTEDNESS OF FARMER PROGRAM BORROWERS

Significance: Agency Priority

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1951

Abstract: The need for government action is the distressed financial situation of some FmHA borrowers. The objectives of this action are to (1) alleviate somewhat the distressed financial situation of some FmHA borrowers and (2) provide FmHA borrowers with the opportunity to make critical decisions on disposition of the current crop income and to develop plans for continuing their farming operation. (FmHA 84-015)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/19/84	49 FR 41220
Final Action	12/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575–AA10

40. REVISIONS TO REGULATIONS MANDATED BY 1983 HOUSING AMENDMENTS (P.L. 98-181)

Significance: Regulatory Program

Legal Authority: 42 USC 1480(j) et seq

CFR Citation: 7 CFR 1930; 7 CFR 1944

Abstract: Interim final rule to implement the requirements of the Rural Housing Amendments of 1983 regarding definitions of income and adjusted annual income, and use of HUD income limits for eligibility, establish requirements regarding rent increases, implement rules on pets in elderly projects, establish new rules on providing rental assistance, and establish occupancy levels between low and very low income tenants. (FmHA 83-017)

Timetable:

Action	Date	FR Cite
NPRM for 1930	07/16/85	50 FR 28782
Final Action for 1944	10/00/85	
Final Action for 1930	01/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575–AA20

41. ● FMHA GUARANTEES OF COMMERCIAL LENDER'S FARM OWNERSHIP (FO) AND OPERATING LOANS (OL) WITH ACCOMPANYING LENDER PRINCIPAL WRITE DOWN AND/OR INTEREST RATE REDUCTION

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Abstract: The general objective of the proposed action is to integrate Government and Private Sector resources in a continual effort to resolve financial difficulties in agriculture. The proposed action amends the debt adjustment program regulations for guaranteed OL and FO

loans to clarify the dollar value equivalency of an interest rate reduction used in lieu of a required 10 percent minimum write down of the total principal and interest outstanding on loan(s) which a lender wants guaranteed; to reduce the minimum positive cash flow requirement under the DAP from 110 percent to 100 percent and to permit lenders to use a combination write down of principal of indebtedness along with an interest rate reduction which would equal the value of an upfront write down of existing indebtedness of at least 10 percent. The intended effect of this action is to provide additional financial assistance to both lenders and their farm borrowers in a time of financial difficulty. (FmHA 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/85	50 FR 9987
Final Action	12/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575-AA22

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Completed Actions

COMPLETED RULEMAKINGS

42. PROPERTY MANAGEMENT

CFR Citation: 7 CFR 1955

Completed:

Reason	Date	FR Cite
Final Action	06/07/85	50 FR 23897

Small Entity: No

Agency Contact: Carl Opstad 202 382-9744

RIN: 0575-AA03

43. DEVELOPMENT GRANTS FOR COMMUNITY DOMESTIC WATER AND WASTE DISPOSAL SYSTEM

CFR Citation: 7 CFR 1942

Completed:

Reason	Date	FR Cite
Final Action	04/01/85	50 FR 12767

Small Entity: No

Agency Contact: Carl Opstad 202 382-9744

RIN: 0575-AA06

44. FMHA GUARANTEES OF COMMERCIAL LENDERS' FARM OWNERSHIP (FO) AND OPERATING LOANS (OL) WITH ACCOMPANYING LENDER "WRITE-DOWN"

Significance: Agency Priority

CFR Citation: 7 CFR 1980

Completed:

Reason	Date	FR Cite
Final Action	02/15/85	50 FR 6880

Small Entity: No

Agency Contact: Carl Opstad 202 382-9744

RIN: 0575-AA09

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Current and Projected Rulemakings

45. KINDS OF OFFICIAL SERVICES

Legal Authority: 7 USC 79; 7 USC 79a; 7 USC 79(c); 7 USC 87e

CFR Citation: 7 CFR 800.75 to 800.78; 7 CFR 800.135 to 800.140; 7 CFR 800.16C to 800.166

Abstract: FGIS will review the kinds of official services provided under the regulations under the U.S. Grain Standards Act to ensure that the services meet the needs of the grain marketing system and maintain the integrity of the inspection and weighing system. (FGIS 84-006)

Timetable:

Action	Date	FR Cite
NPRM	04/19/85	50 FR 15569
Final Action	09/00/85	

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief, Information Resource Management Br., Department of Agriculture, Federal Grain Inspection Service, Room 0667-S, Washington, DC 20250, **202 382-1738**

RIN: 0580-AA02

46. RECORDKEEPING AND ACCESS TO FACILITIES

Legal Authority: 7 USC 79a(k); 7 USC 87a; 7 USC 87c

CFR Citation: 7 CFR 800.25 to 800.26

Abstract: FGIS will review the requirements for recordkeeping and access to facilities imposed on grain elevators by the regulations under the U.S. Grain Standards Act. The review will include examination of continued need for the regulations, language clarity, consistency with law and Agency policy, and cost effectiveness. (FGIS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	01/08/85	50 FR 948
Final Action	09/00/85	

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief, Information Resource Management Br., Department of Agriculture, Federal Grain Inspection Service, Room 0667-S, Washington, DC 20250, **202 382-1738**

RIN: 0580-AA05

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Completed Actions

COMPLETED RULEMAKINGS

47. FEES FOR OFFICIAL SERVICES PERFORMED BY OFFICIAL AGENCIES

CFR Citation: 7 CFR 800.70

Completed:

Reason	Date	FR Cite
Final Action	07/24/85	50 FR 30129

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief 202 382-1738

RIN: 0580-AA01

48. LICENSES AND AUTHORIZATIONS

CFR Citation: 7 CFR 800.170 to 800.180

Completed:

Reason	Date	FR Cite
Final Action	02/13/85	50 FR 5969

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief 202 382-1738

RIN: 0580-AA06

49. OFFICIAL RECORDS AND FORMS

CFR Citation: 7 CFR 800.145 to 800.155

Completed:

Reason	Date	FR Cite
Final Action	05/06/85	50 FR 18456

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief 202 382-1738

RIN: 0580-AA07

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Current and Projected Rulemakings

50. OBRA 1982

Significance: Regulatory Program

Legal Authority: 7 USC 2012(i),(r); 7 USC 2014(c),(g),(i),(j); 7 USC 2015(e); 7 USC 2017(c); 7 USC 2020(e)(4),(9),(10),(i)

CFR Citation: 7 CFR 273

Abstract: This final rule, based on proposed or interim rulemakings, implements changes to eligibility criteria mandated by P.L. 97-98 and P.L. 97-253, revises recertification procedures, and simplifies the rules when a household files for both food stamp and public assistance benefits. It also tightens expedited service procedures, updates procedures for notices of adverse action, revises resource definitions, and changes some work registration provisions. (FNS 84-003)

Timetable:

Action	Date	FR Cite
NPRM	11/19/82	47 FR 52185
NPRM	11/30/82	47 FR 53878
Interim Final Rule	11/30/82	47 FR 52825
Interim Rule	12/10/82	47 FR 55463
Interim Rule	12/14/82	47 FR 55903
NPRM	12/28/82	47 FR 57725
Interim Rule	04/01/83	48 FR 13955
NPRM	05/24/83	48 FR 23257
Final Action	09/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA04

51. ISSUANCE LOSS LIABILITY

Significance: Regulatory Program

Legal Authority: 7 USC 2016; 7 USC 2020(e)(20)

CFR Citation: 7 CFR 274; 7 CFR 276; 7 CFR 272, for Interim

Abstract: These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process. (FNS 84-002)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/82	47 FR 49010
NPRM	09/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA05

52. FOOD DISTRIBUTION PROGRAM

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766; ...

CFR Citation: 7 CFR 250

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through State distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. In addition, a number of provisions have been included to strengthen and improve the State Processing Program. (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 7 USC 612c Note.

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA07

53. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Legal Authority: 7 USC 2013(b)

CFR Citation: 7 CFR 253

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization. (FNS 84-514)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA09

54. FOOD STAMP PROGRAM: REVISION OF PARTS 271, 272, 273 AND 274

Legal Authority: 7 USC 2011 et seq

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 274

Abstract: This rule clarifies, simplifies, and reorganizes food stamp certification and issuance rules. (FNS 84-019)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA10

55. TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM FOR FISCAL YEARS 1984 AND 1985

Significance: Regulatory Program

Legal Authority: PL 98-8, Title II

CFR Citation: 7 CFR 251

Abstract: This rule amends the Temporary Emergency Food Assistance Program regulations to include (1) monitoring of program participation and submission of reports. These provisions strengthen 7 CFR 251 by adding monitoring and accountability components. (FNS 84-519)

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27159
Final Action	10/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA15

56. FOOD STAMP PROGRAM: REIMBURSING WORKFARE'S ADMINISTRATIVE COSTS

Significance: Regulatory Program

Legal Authority: 7 USC 2029(g)(2)

CFR Citation: 7 CFR 273.22

Abstract: The rule revises criteria for incentive reimbursement for optional workfare projects. (FNS 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/83	48 FR 1171
Final Action	10/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA20

57. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Significance: Regulatory Program

Legal Authority: 7 USC 2013(b); 7 USC 2014(h)

CFR Citation: 7 CFR 280

Abstract: This final rule defines special eligibility and issuance procedures during declared disasters. (FNS 84-001)

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8923
Final Action	10/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA24

58. EXTENSION OF THE NATIONAL COMMODITY PROCESSING PROGRAM

Legal Authority: 7 USC 612c; 7 USC 612c note; 15 USC 713C; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 143lb; 7 USC 1431 note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a

CFR Citation: 7 CFR 252

Abstract: This rule extends the National Commodity Processing (NCP) program through June 30, 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/23/83	48 FR 28609
Extension of Interim Final Rule	09/01/85	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 42 USC 1766, 42 USC 3030a, 42 USC 1760, 5 USC 301, 7 USC 1431e, Section 203 of Public Law 98-8 will expire on September 30, 1985.

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA26

59. AUDIT REQUIREMENTS IN THE CHILD CARE FOOD PROGRAM

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226.8

Abstract: This rule will implement organization-wide audits in the Child Care Food Program and will outline the permissible uses of funds available to perform audits.

Timetable:

Action	Date	FR Cite
NPRM	04/12/83	48 FR 15637
Final Action	10/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA30

60. REWRITE OF REGULATIONS ON DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE BENEFITS

Legal Authority: 42 USC 1758; 42 USC 1779

CFR Citation: 7 CFR 245

Abstract: This rule will revise regulations covering the eligibility process for school meals and milk. Part 245 has not undergone a complete rewrite in many years despite legislative change which has substantially changed the application process. The rewrite is primarily nonsubstantive in nature. The rewrite is intended to remove duplicative and obsolete provisions to clarify and reorganize all sections and to incorporate the requirements of P.L. 97-35. (FNS 84-518)

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA32

61. NSLP VERIFICATION MONITORING/AND AIMS

Significance: Regulatory Program

Legal Authority: 42 USC 1758; 42 USC 1779

CFR Citation: 7 CFR 210; 7 CFR 245

Abstract: This proposal will require State agencies to monitor School Food Authorities' compliance with the verification of eligibility requirements contained in 7 CFR 245. This monitoring would become part of the Assessment, Improvement and Monitoring System which is currently in place. (FNS 84-509)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA33

62. MANAGEMENT EVALUATIONS AND CORRECTIVE ACTION PLANS

Legal Authority: 7 USC 2020(e)(13); 7 USC 2025(b)

CFR Citation: 7 CFR 275

Abstract: This rule focuses program reviews on priority target areas and improves use of corrective action planning. (FNS 84-018)

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA37

63. FORFEITURE PROCEDURES/BONDING

Legal Authority: 7 USC 2024(g)

CFR Citation: 7 CFR 278

Abstract: This rule allows FNS to retain goods or money acquired during investigations of potential store violations. In addition, the rule will also permit disqualified stores seeking reauthorization to post letters of credit in lieu of collateral bonds. (FNS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA40

64. REWRITE OF NATIONAL SCHOOL LUNCH PROGRAM REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1751 et seq

CFR Citation: 7 CFR 210

Abstract: This rule will propose to revise the regulations covering the National School Lunch Program and the Commodity School Program. Since January 20, 1970, Part 210 has been amended with over 50 final rules and a number of interim rules. This proposal is intended to be nonsubstantive in nature. Emphasis is placed on resolving ambiguities and inconsistencies; eliminating unnecessary, duplicative and obsolete provisions; and clarifying both language and style so that Part 210 is more easily understood. (FNS 84-511)

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 5950
Final Action	06/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA43

65. ADMINISTRATIVE REVIEW PROCESS ARBITRATION

Significance: Regulatory Program

Legal Authority: 7 USC 2023(a); 7 USC 2025(c),(d)

CFR Citation: 7 CFR 276.7

Abstract: FNS is considering simplification of review process. In addition, FNS is proposing to set definite timeframes for the submission of State requests for arbitration on individual quality control cases where findings are disputed. (FNS 84-013)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA46

66. FOOD STAMP PROGRAM: TFP/DEDUCTION UPDATE

Legal Authority: 7 USC 2012(o)(8); 7 USC 2014(e)(3); 7 USC 2014(2)(iii)

CFR Citation: Not applicable

Abstract: The notice announces the cost-of-living increases to the Thrifty Food Plan and to the standard and maximum shelter deductions. (FNS 85-003)

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA51

67. FOOD STAMP PROGRAM: CONFORMANCE WITH AFDC RULES

Significance: Regulatory Program

Legal Authority: 7 USC 2014(f)

CFR Citation: 7 CFR 273; 7 CFR 275

Abstract: The rule reviews Food Stamp and Aid to Families with Dependent Children regulations for inconsistencies and proposes conformance by altering either or both program's rules. (FNS 85-002)

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
NPRM	11/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA52

68. FOOD STAMP PROGRAM: DEFICIT REDUCTION ACT

Significance: Regulatory Program

Legal Authority: 7 USC 2020(e)(19); PL 98-369, Sec 2651 98 Stat. 1147, July 19, 1984

CFR Citation: 7 CFR 272.1; 7 CFR 272.2; 7 CFR 272.8; 7 CFR 273.2; 7 CFR 273.6; 7 CFR 275; 7 CFR 277.18

Abstract: This rulemaking implements an improved income and eligibility verification system to replace current wage matching requirements in the Food Stamp Program. These new matching requirements are mandated by Public Law 98-369 (DEFRA). Provisions of this rulemaking will:

1) require all States to match quarterly earnings,

2) require matching to a new data base-IRS' unearned income,

3) require "up front" matches of all applicants,

4) increase matching to SSA and Unemployment Compensation Agencies, and

5) require reporting on match results. (FNS 84-021)

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 6082
Final Action	10/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA53

69. ● MEAT ALTERNATES USED IN CHILD NUTRITION PROGRAMS

Legal Authority: 42 USC 1758; 42 USC 1761; 42 USC 1766; 42 USC 1779

CFR Citation: 7 CFR 210; 7 CFR 225, Subpart D; 7 CFR 226, Subpart E

Abstract: Amend meal pattern requirements to expand the list of allowable meat alternates to include nuts and seeds and their butters.

Timetable:

Action	Date	FR Cite
NPRM	09/20/85	
Final Action	01/17/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA58

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Completed Actions

COMPLETED RULEMAKINGS

70. FOOD STAMP PROGRAM: WAIVER SIMPLIFICATION/MRRB AMENDMENTS

Significance: Regulatory Program

CFR Citation: 7 CFR 272; 7 CFR 273; 7 CFR 273.21

Completed:

Reason	Date	FR Cite
Superseded by 85-001	08/27/85	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA02

71. ALASKA THRIFTY FOOD PLAN

CFR Citation: 7 CFR 272.7; 7 CFR 273.10

Completed:

Reason	Date	FR Cite
Final Action	04/08/85	50 FR 13759

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA16

72. AMENDMENTS TO REQUIREMENTS FOR STATE AGENCY REPORTING

CFR Citation: 7 CFR 274.8

Completed:

Reason	Date	FR Cite
Final Action	05/17/85	50 FR 20547

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA19

73. MISCELLANEOUS AMENDMENTS - CHILD CARE FOOD PROGRAM

CFR Citation: 7 CFR 226

Completed:

Reason	Date	FR Cite
Final Action	03/04/85	50 FR 8573

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA28

74. COMPETITIVE FOODS

CFR Citation: 7 CFR 210; 7 CFR 220

Completed:

Reason	Date	FR Cite
Final Action	05/17/85	50 FR 20545

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA39

75. DOCUMENTATION AND VERIFICATION OF ELIGIBILITY IN THE CHILD CARE FOOD PROGRAM

CFR Citation: 7 CFR 226

Completed:

Reason	Date	FR Cite
Final Action	05/08/85	50 FR 19305

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA49

76. PROPOSED RULE CONCERNING STATE PROCESSING OF USDA-DONATED FOODS

CFR Citation: 7 CFR 250

Completed:

Reason	Date	FR Cite
Final Action	05/15/85	50 FR 20197

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA50

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Current and Projected Rulemakings

77. PIZZA STANDARD (78-733)

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Abstract: Would amend the meat and poultry regulations to provide for more informative labeling of cheese substitutes, a minimum cheese content for pizza products, and the use of only cooked meat on pizza. (FSIS 83-007)

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35654
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA07

78. CANNING OF MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 320; 9 CFR 327; 9 CFR 381

Abstract: Proposes to amend meat and poultry regulations to accommodate technological advances in thermal processing of meat and poultry products contained in hermetically sealed containers. (FSIS 81-013)

Timetable:

Action	Date	FR Cite
NPRM	04/12/84	49 FR 14636
Final Action	12/00/85	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA08

79. DEFINITIONS AND STANDARDS FOR COOKED POULTRY SAUSAGE

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Abstract: Would establish definitions and standards for cooked poultry sausage. (FSIS 83-010)

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, **202 447-6735**

RIN: 0583–AA10

80. PROTEIN REQUIREMENTS FOR TURKEY HAM

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Abstract: Would establish more effective compliance measures and procedures to accommodate new technologies. (FSIS 83-018)

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, **202 447-6735**

RIN: 0583–AA11

81. BARBEQUE STANDARD

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 318

Abstract: Would provide for alternative processing methods to be used for barbequed meat and poultry products. (FSIS 83-039)

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, **202 447-6735**

RIN: 0583–AA12

82. REQUIREMENTS REGARDING POULTRY PRODUCTS MADE BY MECHANICAL DEBONING

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Abstract: Would revise and supplement the requirements regarding the manufacture, characteristics, use, and labeling of poultry product made by mechanical deboning and the labeling of finished products in which it is used as an ingredient. (FSIS 84-001)

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, **202 447-6735**

RIN: 0583–AA15

83. EXTENSION OF OPERATING SCHEDULES FOR TOTAL QUALITY CONTROL PLANTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Abstract: would allow plants operating under total quality control systems to process and ship product past the normal 8-hour schedule. (FSIS 83-020)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, **202 447-6735**

RIN: 0583–AA16

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Existing Regulations Under Review

84. RECORDS, REGISTRATION, AND REPORTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 552 et seq; 5 USC 601 et seq; 44 USC 3501 et seq; EO 12291

CFR Citation: 9 CFR 320; 9 CFR 381, Subpart Q

Abstract: The Agency will review Parts 320 and 381 Subpart Q, of Title 9 of the Code of Federal Regulations relating to records and reports required to be maintained by official meat and poultry establishments. The purpose of the review will be to determine whether present reporting and recordkeeping requirements can be reduced or effected in a more efficient, less burdensome manner. (FSIS 82-003)

Timetable:

Action	Date	FR Cite
Begin Review	08/08/83	
End Review	03/31/86	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, **202 447-3317**

RIN: 0583–AA00

85. ADMINISTRATIVE REGULATIONS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 44 USC 3501 et seq; 5 USC 601 et seq; 7 CFR 1; EO 12291

CFR Citation: 9 CFR 304; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 329; 9 CFR 331; 9 CFR 335; 9 CFR 381

Abstract: The Agency will review administrative requirements for applying for, granting, refusing, inaugurating, and withdrawing inspection; detaining, seizing, and condemning meat and poultry products; assigning program employees; designating States and territories, and providing reimbursable services, scheduling of operations, and for overtime and holiday services.

Would also determine adequacy of current regulations as they relate to petitioning the Agency for regulatory change and informing interested persons of Agency procedures for appeal in the event of adverse determinations. (FSIS 83-009)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	09/00/86	

Small Entity: No

Agency Contact: G. E McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, **202 447-3317**

RIN: 0583–AA02

86. RED MEAT SLAUGHTER REGULATIONS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 307; 9 CFR 309; 9 CFR 310; 9 CFR 311; 9 CFR 312; 9 CFR 313; 9 CFR 314; 9 CFR 316

Abstract: The Agency will review the slaughter provisions of the regulations promulgated under the Federal Meat Inspection Act (FMIA), 9 CFR 307, 309 through 314, and 316, to identify regulatory provisions that may be deleted or modified as a result of either technological advances or changes in meat inspection procedures while allowing the Agency to maintain the same standards for product wholesomeness and public health protection. (FSIS 83-004)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	03/31/86	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, **202 447-3317**

RIN: 0583–AA03

87. LABEL APPROVAL REGULATIONS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381, Subpart N

Abstract: The Agency will review Parts 317 and 381, Subpart N; of Title 9 of the Code of Federal Regulations relating to requirements for prior approval of labels of meat, meat products, poultry, and poultry products. The purpose of the review is to assess the impact of the Agency's label approval regulations in order to reduce unnecessary burdens.

Although the Agency has completed rulemaking to provide for prior approval of certain labels by field personnel and the pre-approval of certain kinds of label changes without the need for prior Agency approval, the review has been continued to determine if further reduction of burden resulting from Agency prior approval requirements might be accomplished. (FSIS 83-006)

Timetable:

Action	Date	FR Cite
NPRM	05/21/82	47 FR 22101
Begin Review	06/00/82	
Final Action	03/18/83	48 FR 11410
End Review	03/31/86	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, **202 447-3317**

RIN: 0583–AA05

88. TRANSPORTATION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 325; 9 CFR 381, Subpart S

Abstract: The Agency will review Parts 325 and 381 Subpart S, of Title 9 of the Code of Federal Regulations relating to requirements on the movement of product between inspected facilities to determine if they reflect current Agency practice and whether they impose unnecessary burdens on industry. (FSIS 85-003)

Timetable:

Action	Date	FR Cite
Begin Review	01/15/85	
End Review	05/31/86	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, **202 447-3317**

RIN: 0583–AA19

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Completed Actions

COMPLETED RULEMAKINGS

89. IMPORTED CURED PORK PRODUCTS

CFR Citation: 9 CFR 327; 9 CFR 319

Completed:

Reason	Date	FR Cite
Final Action	03/12/85	50 FR 9788

Small Entity: No

Agency Contact: Irwin Dubinsky 202 447-6735

RIN: 0583–AA09

COMPLETED REVIEWS

90. POULTRY SLAUGHTER REGULATIONS

CFR Citation: 9 CFR 381, Subpart H; 9 CFR 381, Subpart I; 9 CFR 381, Subpart J; 9 CFR 381, Subpart K

USDA—FSIS **Completed Actions**

Completed:

Reason	Date	FR Cite
End Review	05/30/85	

Small Entity: No

Agency Contact: G. E. McEvoy 202 447-3317

RIN: 0583-AA18

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Current and Projected Rulemakings

91. REVISION OF 7 CFR PART 6, SECTION 22 IMPORT QUOTAS; CERTAIN DAIRY PRODUCTS

Legal Authority: 7 USC 624; Headnote 3(a) to Pt 3 of the Appendix of TSUSA

CFR Citation: 7 CFR 6.20 et seq

Abstract: Revise the regulation governing the importation of quota dairy products to eliminate the sections no longer needed, strengthen the sections on license eligibility and transfer of license eligibility and include new sections where required. (FAS 84-006)

Timetable:

Action	Date	FR Cite
NPRM	09/01/86	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, 202 475-3712

RIN: 0551-AA02

92. REVISION OF PUBLIC LAW 480 REGULATIONS, 7 CFR, SECTIONS 17.1 THROUGH 17.8 AND 17.16

Legal Authority: PL 480, as amended; 7 USC 1701 et seq

CFR Citation: 7 CFR 17

Abstract: This rule would revise that part of the regulations applicable to the financing of the sale and exportation of agricultural commodities pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended. (FAS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	01/31/84	49 FR 3866
Final Action	06/30/86	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, 202 475-3712

RIN: 0551-AA04

93. REVISION OF PUBLIC LAW 480 REGULATIONS, 7 CFR SECTIONS 17.6, 17.8 AND 17.9

Legal Authority: PL 480, as amended; 7 USC 1701 et seq

CFR Citation: 7 CFR 17.6; 7 CFR 17.8; 7 CFR 17.9

Abstract: Formulation of a rule to revise that part of the regulations relating to the means by which importing governments may award commodity contracts when purchasing by invitations to bid. (FAS 84-009)

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, 202 475-3712

RIN: 0551-AA05

94. QUARTERLY SUGAR IMPORT FEE DETERMINATION

Legal Authority: 7 USC 624; Sec 22, Ag Adjustment Act of 1933

CFR Citation: Not applicable

Abstract: Previously, Proclamation 5164 of March 19, 1984, required the Secretary of Agriculture to announce the import fee for raw sugar each quarter according to a formula keyed to domestic spot prices as reported by the Coffee, Sugar and Cocoa Exchange in New York. The fee for refined sugar was one cent more than the raw sugar fee. However, the import fee for raw sugar has been suspended by Proclamation 5313, March 29, 1985, pending the President's response to an ITC investigation. Under this same action the fee for refined sugar has been modified so that it is fixed at one cent per pound pending the President's response to the ITC investigation. (FAS 84-005)

Timetable:

Action	Date	FR Cite
Final Action	07/05/84	49 FR 27597
Final Action	10/03/84	49 FR 39086
Final Action	01/03/85	50 FR 299
Quarterly Announcemnts	04/03/85	50 FR 13257

Next Action Undetermined

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, 202 475-3712

RIN: 0551-AA06

95. AFRICAN FOOD ASSISTANCE PROGRAM

Legal Authority: PL 98-248

CFR Citation: Not applicable

Abstract: Invitations for offers for the purchase by the U.S. private trade from CCC of wheat, corn and rice for export to certain African countries to meet emergency food requirements. (FAS 84-014)

Timetable:

Action	Date	FR Cite
Notice	06/28/84	49 FR 26615
End Project	12/00/86	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, 202 475-3712

RIN: 0551-AA07

96. U.S. MEAT IMPORTS

Legal Authority: PL 96-177

CFR Citation: Not applicable

Abstract: To comply with requirements of PL 96-177, The Meat Import Act of 1979, by publishing a quarterly Meat Import Estimate.

Publish in the Federal Register Quarterly Estimates of Meat Imports for 1985 and 1986. (FAS 84-012)

Timetable:

Action	Date	FR Cite
Final Action	06/28/84	49 FR 26615
1985 1st Quarterly Announcement	12/27/84	49 FR 50215
1985 2nd Quarterly Announcement	03/29/85	50 FR 12593
1985 3rd Quarterly Announcement	07/01/85	50 FR 27033
1985 4th Quarterly Announcement	09/30/85	
1986 1st Quarterly Announcement	12/31/85	
1986 2nd Quarterly Announcement	03/29/86	
1986 3rd Quarterly Announcement	06/30/86	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, **202 475-3712**

RIN: 0551-AA09

97. AMENDMENT TO 7 CFR PART 6, SECTION 22 IMPORT QUOTAS; CERTAIN DAIRY PRODUCTS

Legal Authority: 7 USC 624; Headnote 3(a) to Pt 3 of the Appendix of the TUSA; 31 USC 9701

CFR Citation: 7 CFR 6.20 et seq

Abstract: Amend the regulations governing importation of dairy products under license to impose fees for the issuance of licenses. (FAS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	
NPRM	09/00/85	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, **202 475-3712**

RIN: 0551-AA11

98. EMERGENCY RELIEF FROM CERTAIN PERISHABLE PRODUCTS IMPORTED FROM ISRAEL

Legal Authority: Sec. 404, PL 98-573; 5 USC 301

CFR Citation: 7 CFR 1540

Abstract: This proposed rule establishes the procedure by which an entity representative of a U.S. industry producing perishable products can submit a request to the U.S. Department of Agriculture for emergency relief from increased, injurious imports of like products from Israel entering the U.S. at a reduced rate of duty or duty free pursuant to a trade agreement between the U.S. and Israel entered into under Section 102(b) of the Trade Act of 1974, as amended by Section 401 of the Trade and Tariff Act of 1984. (FAS 85-002)

Timetable:

Action	Date	FR Cite
NPRM	07/29/85	
Final Action	10/01/85	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, **202 475-3712**

RIN: 0551-AA12

99. REVIEW OF THE UNITED STATES SUGAR IMPORT QUOTA SYSTEM

Legal Authority: Presidential Proclamation 4941

CFR Citation: Not applicable

Abstract: Paragraph (f) of Headnote 3, subpart A, part 10, schedule 1 of the Tariff Schedules of the United States requires the Secretary, upon consultations with concerned agencies, to review the sugar import quota, to determine the need to continue quotas and to announce the results of the review. Subsequently, the Secretary files notice of the review in the Federal Register. (FAS 84-019)

Timetable:

Action	Date	FR Cite
Notice	09/06/84	49 FR 35162
Next Announcement	09/01/85	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, **202 475-3712**

RIN: 0551-AA13

100. ● EXPORT ENHANCEMENT PROGRAM

Legal Authority: 15 USC 714c(f); Commodity Credit Corporation Charter Act

CFR Citation: Not applicable

Abstract: Invitations for offers from the U.S. private trade for a bonus to be paid in CCC-owned commodities to make selected U.S. commodities competitive in targeted foreign countries. (FAS 85-014).

Timetable:

Action	Date	FR Cite
Notice	06/05/85	50 FR 23750
End Project	09/30/88	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, **202 475-3712**

RIN: 0551-AA15

101. ● IMPORT LIMITATION: COUNTRY OF ORIGIN QUOTA ADJUSTMENT

Legal Authority: Presidential Proclamation 4708 issued December 11, 1979

CFR Citation: Not applicable

Abstract: Presidential Proclamation 4708 issued December 11, 1979 amended Part 3 of the Appendix to the Tariff Schedules of the United States to permit the Secretary of Agriculture to make country of origin adjustments for unlicensed quotas that will not be filled by the country of origin listed opposite the quota. This notice implements such an adjustment for condensed milk in airtight containers (TUSA Item 949.40) from Denmark. (FAS 85-015)

USDA—FAS **Current and Projected Rulemakings**

Timetable:

Action	Date	FR Cite
Notice	06/05/85	50 FR 23750
End Project	09/30/85	

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC20250, **202 475-3712**

RIN: 0551-AA16

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Completed Actions

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

102. ● WITHIN QUARTER SUGAR IMPORT FEE ADJUSTMENT

Legal Authority: 7 USC 624; Sec 22, Ag Adjustment Act of 1933

CFR Citation: Not applicable

Abstract: Previously, Proclamation 5164 of March 19, 1984, required the Secretary of Agriculture to adjust the import fees for sugar during each quarter according to a formula keyed to domestic spot prices as reported by the Coffee, Sugar and Cocoa Exchange in New York. However, the import fee for raw sugar has been suspended by Proclamation 5313, March 29, 1985, pending the President's response to an ITC investigation. Under this same action the fee for refined sugar has been modified so that it is fixed at one cent per pound pending the President's response to the ITC investigation. (FAS 85-005)

Timetable:

Action	Date	FR Cite
Final Action	03/07/85	50 FR 9303

Small Entity: No

Agency Contact: Bob Johnson, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6073-S, Washington, DC 20250, **202 475-3712**

RIN: 0551-AA14

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

Current and Projected Rulemakings

103. DEBARMENT AND SUSPENSION OF TIMBER SALE CONTRACTORS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 223, Subpart C

Abstract: The objective is to set forth conditions and procedures under which purchasers of National Forest System timber may be suspended or debarred from further contracting. (FS 83-004)

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/27/83	48 FR 23818
Extension of Interim Rule	07/11/84	49 FR 28241
NPRM	11/15/85	
Final Action	04/15/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA09

104. RECOVERY OF FEDERAL COSTS ASSOCIATED WITH USER RESERVATION SYSTEMS ON SOME NATIONAL FOREST RECREATION AREAS

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 291

Abstract: The objective is to recover the costs of administering a reservation system for visits to and use of highly popular National Forest System recreation areas. (FS 84-001)

Timetable:

Action	Date	FR Cite
NPRM	11/15/84	49 FR 45177
Final Action	12/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA16

105. REVISION OF ADVERTISEMENTS FOR SALE OF NATIONAL FOREST TIMBER

Legal Authority: 16 USC 472a

CFR Citation: 36 CFR 223.83; 36 CFR 223.84; 36 CFR 223.89; 36 CFR 223.100

Abstract: This proposal stems from a Forest Service productivity improvement study of timber sale procedures. The objective of this proposed revision is to simplify and shorten advertisements for National Forest timber sales and to concurrently reduce the Government's advertising costs. (FS 84-011)

Timetable:

Action	Date	FR Cite
NPRM	11/02/84	49 FR 44109
Final Action	09/15/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA18

106. ADMINISTRATION OF COOPERATIVE OR FEDERAL SUSTAINED YIELD UNITS

Legal Authority: 16 USC 583 to 583i

CFR Citation: 36 CFR 223.117

Abstract: To remove that language in existing rule that is redundant of the statute, to clarify and improve word usage, and to remove requirement for advertising sales on sustained yield units by competitive bid, which is a more stringent requirement than contained in the statute. (FS 84-013)

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
Final Action	10/30/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA19

107. SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 16 USC 495; 16 USC 431 et seq; 7 USC 1011(d); 43 USC 1761 to 1771

CFR Citation: 36 CFR 251.50 to 251.64

Abstract: Review of existing rule which explains procedures for applying for and obtaining approval for special uses of National Forest System lands and the terms, conditions, and instruments of special use authorizations. (FS 84-014)

Timetable:

Action	Date	FR Cite
Begin Review	10/22/84	49 FR 41519
Final Action	03/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA20

108. EXERCISE OF TIMBER, MINERAL AND WATER RIGHTS, OF RIGHTS-OF-WAY, AND OF RIGHTS TO USE AND OCCUPY LANDS CONVEYED TO THE U.S.

Legal Authority: 7 USC 1011; 16 USC 485; 16 USC 486; 16 USC 513; 16 USC 518

CFR Citation: 36 CFR 251.14 to 251.19

Abstract: These rules set forth conditions to be included in deeds of conveyance where grantors wish to reserve certain rights of use and occupancy. Rules will be reviewed pursuant to EO 12291. (FS 84-015)

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	09/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA21

109. MANAGEMENT OF MUNICIPAL WATERSHEDS

Legal Authority: 16 USC 551; 16 USC 472; 16 USC 1761 to 1771

CFR Citation: 36 CFR 251.9

Abstract: Regulation sets forth agency policy on entering into cooperative agreements with municipal governments or irrigation districts to protect water supplies within National Forests. Rule will be reviewed pursuant to EO 12291. (FS 84-016)

Timetable:

Action	Date	FR Cite
Begin Review	06/00/85	
End Review	09/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA22

110. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Abstract: Objective is to establish that the Land Status Record is the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports. (FS 85-012)

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA24

111. CASH DOWN PAYMENTS, PERIODIC PAYMENTS FOR NATIONAL FOREST TIMBER CONTRACTS

Legal Authority: 16 USC 618

CFR Citation: 36 CFR 223

Abstract: The objective of the down payment and periodic payment requirements is to discourage speculative bidding on National Forest timber sales. Regulation is required by statute.

An interim policy notice is needed in order to conform to the legislated January 1, 1985, effective date for these actions. Because of the time required to prepare timber sale documents, such as the advertisement, prospectus and sample contract, and because of the 30-day advertisement period for timber sales, it is not possible to include down payment and periodic payment policies in the same manner as the proposed policy for other features of the Act. A further rulemaking on periodic payments, RIN 0596-AA33 (FS 85-014), is under way. (FS 84-020)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	50 FR 2591
Final Action	09/00/85	

Small Entity: No

Agency Contact: Marian Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, Room 809-RPE, Arlington, VA, **703 235-1488**

RIN: 0596-AA29

112. ADD SECTION TO 36 CFR 251.53 - SPECIAL USES TO INCLUDE ALASKA NATIONAL INTEREST LAND AND CONSERVATION ACT AS AN AUTHORITY AND ADD REGULATION 36 CFR 251.70 ON INGRESS AND EGRESS TO ETC

Legal Authority: PL 96-487

CFR Citation: 36 CFR 251.53

Abstract: The proposed regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	11/15/85	
Final Action	06/30/86	

Small Entity: No

Additional Information: TITLE CONT: Private Lands Within the National Forests.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA31

113. ● PERIODIC PAYMENTS FOR NATIONAL FOREST TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223.51, (new)

Abstract: The Federal Timber Sale Contract Payment Modification Act requires the Forest Service to require purchasers to make periodic payments on timber sales. As established by the act, the objective of periodic payments is to discourage speculative bidding on National Forest timber sales. A soon-to-be published rule (see RIN 0596-AA29) will require cash down payments and one periodic payment requirement. However, to fully comply with the act, additional rules are required. This rule will be based on an evaluation of the effects of requiring annual payments, on consideration of procedures that would permit the pooling of payments, and on consideration of market-related contract adjustments.

There are no alternatives to issuing this rule; it is required by the Federal Timber Sale Contract Payment Modification Act. (FS 85-014)

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	05/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA33

DEPARTMENT OF AGRICULTURE (USDA) Existing Regulations Under Review

Forest Service (FS)

114. RANGE MANAGEMENT-GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD-FREE-ROAMING HORSES AND BURROS

Legal Authority: 43 USC 1901; 16 USC 1331 to 1340; 16 USC 551; 7 USC 1011

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Abstract: Review of Subparts A and B pursuant to EO 12291. Subpart A sets forth policy and procedure governing management of the range environment, issuance of permits for grazing and livestock use, range improvements, and establishment and functions of grazing advisory boards.

Subpart B defines categories of wild, free-roaming horses and burros, sets protection standards and provides for relation of excess animals and general administrative procedures. (FS 84-005)

Timetable:

Action	Date	FR Cite
Begin Review	10/00/85	
End Review	03/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA14

115. ENTRANCE INTO PETERSBURG WATERSHED

Legal Authority: 16 USC 551; 16 USC 472; 16 USC 1761 to 1771

CFR Citation: 36 CFR 251.35

Abstract: Rule restricts entry into watershed without approval of authorized officials of Petersburg, Alaska. Rule will be reviewed pursuant to EO 12291. (FS 84-017)

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
End Review	12/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA23

116. YOUNG ADULT CONSERVATION CORPS

Legal Authority: 29 USC 801 et seq

CFR Citation: 36 CFR 215

Abstract: Describes the Young Adult Conservation Corps (YACC) program requirements and procedures for States to follow in obtaining grants to establish and administer YACC programs on non-Federal public lands.

Identical to regulations published by U.S. Department of the Interior. (FS 85-010)

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	
End Review	10/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA26

117. EXPERIMENTAL AREAS AND RESEARCH NATURAL AREAS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 251.23

Abstract: Directs establishment of experimental forests and ranges and, where appropriate, research natural areas to provide base for forestry research. Sets forth management restrictions in research natural areas. (FS 85-008)

Timetable:

Action	Date	FR Cite
Begin Review	04/00/86	
End Review	12/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA30

118. YOUTH CONSERVATION CORPS

Legal Authority: 16 USC 1704

CFR Citation: 36 CFR 214

Abstract: Directs the Youth Conservation Corps (YCC) program requirements and procedures for States to follow in obtaining grants to establish and administer YCC programs. Identical to USDI YCC regulations. (FS 85-009)

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	
End Review	10/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA32

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Completed Actions

COMPLETED RULEMAKINGS

119. SALE OF LANDS PURSUANT TO SECTION 10 OF THE ACT APPROVED MARCH 1, 1911

CFR Citation: 36 CFR 281

Completed:

Reason	Date	FR Cite
Final Action	06/04/85	50 FR 23410

Small Entity: No

Agency Contact: Marian P. Connolly **703 235-1488**

RIN: 0596-AA04

120. SALE OF NATIONAL FOREST TOWNSITES TO GOVERNMENT ENTITIES

CFR Citation: 36 CFR 254, Subpart B

Completed:

Reason	Date	FR Cite
Final Action	07/22/85	50 FR 29673

Small Entity: No

Agency Contact: Marian P. Connolly **703 235-1488**

RIN: 0596-AA08

121. TO REQUIRE (DISQUALIFIED) HIGH BIDDERS ON TIMBER SALE CONTRACTS, TO REIMBURSE THE FOREST SERVICE FOR THE ADMINISTRATIVE COSTS INCURRED IN READVERTISING THE SALE

CFR Citation: 36 CFR 223.101

Completed:

Reason	Date	FR Cite
Withdrawn	08/05/85	

Small Entity: No

Agency Contact: Marian P. Connolly **703 235-1488**

RIN: 0596-AA27

COMPLETED REVIEWS

122. ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

CFR Citation: 36 CFR 212

Completed:

Reason	Date	FR Cite
End Review (notice of completion of review)	06/03/85	50 FR 23307

Small Entity: No

Agency Contact: Marian P. Connolly **703 235-1488**

RIN: 0596-AA00

123. LOCATABLE MINERALS

CFR Citation: 36 CFR 228, Subpart A

Completed:

Reason	Date	FR Cite
End Review	03/00/85	

Small Entity: No

Agency Contact: Marian P. Connolly **703 235-1488**

RIN: 0596-AA01

124. USE OF MOTOR VEHICLES OFF FOREST DEVELOPMENT ROADS

CFR Citation: 36 CFR 295

Completed:

Reason	Date	FR Cite
End Review	03/29/85	50 FR 12539

Small Entity: No

Agency Contact: Marian P. Connolly **703 235-1488**

RIN: 0596-AA05

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Office of Finance and Management (OFM)

Current and Projected Rulemakings

125. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS

Significance: Regulatory Program

Legal Authority: 5 USC 301

CFR Citation: 7 CFR 3015

Abstract: This proposal will bring USDA regulations into compliance with revisions to the Office of Management and Budget Circular A-102, "Uniform requirements for grants to States and local governments." (OFM 84-001)

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Lyn Zimmerman, Supervisory Program Analyst, Department of Agriculture, Office of Finance and Management, Room 2117 Auditors Building, Washington, DC 20250, **202 382-1553**

RIN: 0505-AA01

126. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS, 7 CFR 3015, SUBPART I, AUDITS

Legal Authority: 5 USC 301; PL 98-502

CFR Citation: 7 CFR 3015, Subpart I

Abstract: This amendment implements the Single Audit Act of 1984 (P.L. 98-502). It establishes uniform audit requirements for State and local governments and Indian tribes that receive Federal assistance and defines Federal responsibilities for implementing and monitoring those requirements (OFM 85-001).

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/16/85	50 FR 28759
Final Action	11/00/85	

Small Entity: No

Agency Contact: Lyn Zimmerman, Supervisory Program Analyst, Department of Agriculture, Office of Finance and Management, Room 2117 Auditors Building, Washington, DC 20250, **202 382-1553**

RIN: 0505-AA03

127. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS, 7 CFR 3015 SUBPART Q, APPLICATION FOR FEDERAL ASSISTANCE

Legal Authority: 5 USC 301; PL 95-113, Sec 1472

CFR Citation: 7 CFR 3015

Abstract: This regulation will provide USDA agencies with uniform standards for a competitive award process for grants and cooperative agreements in research, extension, and teaching programs. This regulation codifies current USDA policy as set forth in Secretary's Memorandum 5000-2 which was issued August 13, 1984. (OFM 84-004)

Timetable:

Action	Date	FR Cite
NPRM	04/18/85	50 FR 15433
Final Action	10/00/85	

Small Entity: No

Agency Contact: Lyn Zimmerman, Supervisory Program Analyst, Department of Agriculture, Office of Finance and Management, Room 2117 Auditors Building, Washington, DC 20250, **202 382-1553**

RIN: 0505-AA04

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Office of the Secretary (AgSEC)

Current and Projected Rulemakings

128. RESCIND UNIFORM RELOCATION REGULATIONS

Legal Authority: PL 91-646; 84 Stat. 1984; 42 USC 4601 et seq

CFR Citation: 7 CFR 21

Abstract: This regulation will rescind Department regulations implementing uniform relocation assistance and real property acquisition policies Act of 1970 and establish new regulations to conform with those to be issued by the Department of Transportation as Federal lead agency. (00 84-002)

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21711
Final Action	05/27/86	

Small Entity: No

Agency Contact: Charles A. Bucy, Deputy Director, Department of Agriculture, Office of the Secretary, Office of Operations, Room 113-W, Admin. Bldg., Washington, DC 20250, **202 447-2582**

RIN: 0503-AA02

DEPARTMENT OF AGRICULTURE (USDA)
Office of the Secretary (AgSEC)

Completed Actions

COMPLETED RULEMAKINGS

129. ACQUISITION REGULATION

CFR Citation: 48 CFR Chapter 4

Completed:

Reason	Date	FR Cite
Final Action	04/10/85	50 FR 14195

Small Entity: No

Agency Contact: Charles A. Bucy 202 447-2582

RIN: 0503-AA01

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Completed Actions

COMPLETED RULEMAKINGS

130. REA BULLETIN 320-23, CONSTRUCTION CERTIFICATION PROCEDURES FOR DESIGNATED TELEPHONE BORROWERS

CFR Citation: 7 CFR 1765, (Proposed)

Completed:

Reason	Date	FR Cite
Nonmajor -- delete from Agenda	10/19/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr. 202 382-9552

RIN: 0572-AA04

131. REA BULLETIN 50-1, ELECTRIC TRANSMISSION SPECIFICATIONS AND DRAWINGS (T-805)

CFR Citation: 7 CFR 1736.97

Completed:

Reason	Date	FR Cite
Nonmajor -- delete from Agenda	08/27/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr. 202 382-9552

RIN: 0572-AA06

132. REA BULLETIN 50-4, SPECIFICATIONS AND DRAWINGS FOR 34.5/19.9 KV DISTRIBUTION LINE CONSTRUCTION (D-801)

CFR Citation: 7 CFR 1736.97

Completed:

Reason	Date	FR Cite
Nonmajor -- delete from Agenda	08/27/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr. 202 382-9552

RIN: 0572-AA13

COMPLETED REVIEWS

133. REA BULLETIN 345-67, REA SPECIFICATION FOR FILLED TELEPHONE CABLE (PE-39)

CFR Citation: 7 CFR 1772.97

Completed:

Reason	Date	FR Cite
Nonmajor -- delete from Agenda	08/27/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr. 202 382-9552

RIN: 0572-AA05

134. REA BULLETIN 345-76, REA SPECIFICATION FOR SPRING ACTION TYPE BONDING CONNECTORS WITHIN BURIED PLANT HOUSINGS (PE-57)

CFR Citation: 7 CFR 1772.97

Completed:

Reason	Date	FR Cite
Nonmajor -- delete from Agenda	08/27/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr. 202 382-9552

RIN: 0572-AA07

135. REA BULLETIN 345-6, REA STANDARD FOR SPLICING PLASTIC-INSULATED CABLES (PC-2)

CFR Citation: 7 CFR 1772.97

Completed:

Reason	Date	FR Cite
Nonmajor -- delete from Agenda	08/27/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr. 202 382-9552

RIN: 0572-AA08

136. REA BULLETIN 345-22, REA SPECIFICATION FOR VOICE FREQUENCY LOADING COILS (PE-26)

CFR Citation: 7 CFR 1772.97

Completed:

Reason	Date	FR Cite
Nonmajor -- delete from Agenda	08/27/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr. 202 382-9552

RIN: 0572-AA09

137. REA BULLETIN 345-65, REA SPECIFICATION FOR CABLE SHIELD BONDING CONNECTORS (PE-33)

CFR Citation: 7 CFR 1772.97

Completed:

Reason	Date	FR Cite
Final Action	03/22/85	50 FR 11497

Small Entity: No

Agency Contact: Blaine Stockton, Jr. 202 382-9552

RIN: 0572-AA10

138. REA BULLETIN 345-72, REA SPECIFICATION FOR FILLED SPLICE ENCLOSURES (PE-74)

CFR Citation: 7 CFR 1772.97

Completed:

Reason	Date	FR Cite
Non-major -- delete from Agenda	08/27/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr. 202 382-9552

RIN: 0572-AA15

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Current and Projected Rulemakings

139. SOIL SURVEYS

Legal Authority: Part of Agriculture Appropriation Act of 1896; PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Abstract: Prescribes the policy on soil survey operations including cooperative

relationships with state agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	11/00/84	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578–AA00

140. PRIME AND UNIQUE FARMLANDS

Legal Authority: 16 USC 590(a to f); 42 USC 4321 et seq; PL 95-87

CFR Citation: 7 CFR 657

Abstract: Prescribes SCS policy on the development and maintenance of an inventory of prime and unique farmland of the Nation including the criteria and characteristics used in the identification of such lands.

Timetable:

Action	Date	FR Cite
Final Action	01/00/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578–AA10

DEPARTMENT OF AGRICULTURE (USDA) Existing Regulations Under Review

Soil Conservation Service (SCS)

141. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: Secretary's Memorandum 870 - July 1, 1940; Reorganization Plan No. 2 of 1953

CFR Citation: 7 CFR 612

Abstract: Sets forth policy and procedures for the administration of a cooperative snow survey and water supply forecast program, including the steps involved in carrying out the program. Sets out data collected and forecasts made, and eligible users of the data.

Timetable:

Action	Date	FR Cite
End Review	07/00/86	
Final Action	01/00/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578–AA01

142. ● RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; PL 91-646

CFR Citation: 7 CFR 652

Abstract: Prescribes the policies and procedures for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) pertaining to the treatment of persons displaced from their homes, businesses, or farms because of federal financially assisted projects. (SCS 85-001)

Timetable:

Action	Date	FR Cite
End Review	10/30/85	
Final Action	01/31/86	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578–AA12

DEPARTMENT OF AGRICULTURE (USDA) Completed Actions

Soil Conservation Service (SCS)

COMPLETED RULEMAKINGS

143. ACQUISITION OF REAL PROPERTY UNDER FEDERALLY ASSISTED PROGRAMS

CFR Citation: 7 CFR 651

Completed:

Reason	Date	FR Cite
Final Action	03/27/85	48 FR 12034

Small Entity: No

Agency Contact: Wayne Maresch 202 447-4811

RIN: 0578–AA09

COMPLETED REVIEWS

144. LONG TERM CONTRACTING

CFR Citation: 7 CFR 630

Completed:

Reason	Date	FR Cite
End Review	05/00/85	

Small Entity: No

Agency Contact: Wayne Maresch 202 447-4811

RIN: 0578–AA03

[FR Doc. 85-22693 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DOC

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, IV, VIII, IX, Subtitle D, Ch. XXIII

19 CFR Ch. III

37 CFR Ch. I, IV

48 CFR Ch. 13

50 CFR Chs. I, II, III, IV, VI

Semiannual Agenda of Regulations

AGENCY: Department of Commerce.

ACTION: October 1985 regulatory agenda.

SUMMARY: In compliance with Executive Order (EO) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce (DOC) in April and October of each year publishes in the **Federal Register** an agenda of the regulations that the Department expects to propose or to issue over the next 12 months that are covered by section 1 of EO 12291. In addition, the agenda lists existing regulations currently under review for possible revision or repeal. Finally, the agenda lists rulemakings and reviews of existing regulations completed since publication of the last agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

DOC's October 1985 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 1985 through September 30, 1986. Regulatory developments occurring after August 27, 1985 will appear in the next agenda.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Robert B. Ellert, Assistant General Counsel for Economic Affairs and Regulation, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-5394.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order 12291. The EO requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this Order. Office of Management and Budget (OMB) Bulletin No. 85-21, issued July 15, 1985 establishes guidelines and procedures for the preparation and publication of the October 1985 Unified Agenda of Federal Regulations for all Federal departments and agencies. EO 12291 and the OMB Bulletin require that each agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the twelve-month period succeeding publication: The title of the regulation; the name, title, address and phone number of an agency person who is knowledgeable about the regulation; whether the regulation has or is expected to have a significant economic impact on a substantial number of small entities; the section(s) of the Code of Federal Regulations (CFR) which affects or will be affected by the action; the section of the United States Code (USC), Public Law (PL), or Executive Order (EO) that authorizes the action; an indication of whether or not the entry is a significant regulatory action included in the Administration's Regulatory Program and if the agency considers it a priority action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; and a timetable of dates and, if available, **Federal Register** citations for past and future stages of the action.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis (RFA) where there is a positive finding that a rule will have a significant impact on a substantial number of small entities. EO 12291 requires agencies to prepare a regulatory impact analysis (RIA) for any regulation considered to be a "major rule" as defined in the EO.

The OMB Bulletin also requires that all regulations issued or withdrawn, and all reviews completed since publication of the preceding agenda, be listed with the following information: the title of the regulation; the name and phone number of the agency contact person; the **Federal Register** citation of the final action, if available; the reason for completion; and when applicable, an indication of whether the action will have an effect on small entities.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the International Trade Administration (ITA), National Bureau of Standards (NBS) and the Patent and Trademark Office (PTO) issue the greatest share of the Department's regulations, while other operating units such as the United States Travel and Tourism Administration and the Minority Business Development Agency currently have no regulations in effect.

A large number of the regulations presented in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 USC 1801 *et seq.*) (Act) requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within a fishery conservation zone (FCZ) fished in by foreign fishing nations. The FCZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery management plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs for fisheries within their respective areas. In the development of such plans and their implementing regulations, the Councils

DOC

are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

Another large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS), issued by the National Bureau of Standards under Pub. L. 89-306. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines, and in providing technical guidance and coordination to Federal agencies, NBS works closely with private industry standard-setting organizations.

The DOC October 1985 regulatory agenda follows.

DATED: August 29, 1985.

Douglas A. Riggs,

General Counsel.

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
145	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
146	Department of Commerce Implementation of the Competition in Contracting Act of 1984 CAR Amendment 85-2	0690-AA09
147	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Commerce Programs	0690-AA06
148	Department of Commerce Implementation of the Competition in Contracting Act of 1984 and the Small Business and Federal Procurement Competition Enhancement Act of 1984 CAR ETC	0690-AA07

Office of the Secretary—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
149	Public Information, Freedom of Information (Fees)	0690-AA04

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
150	Age Discrimination Act of 1975: Implementation	0690-AA00

Bureau of Economic Analysis—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
151	Surveys of International Trade in Services Between U.S. and Foreign Persons	0691-AA03

Bureau of the Census—Completed Actions

Sequence Number	Title	Regulation Identifier Number
152	Foreign Trade Statistics (SEDs)	0607-AA02
153	Foreign Trade Statistics	0607-AA03
154	Seal of the Bureau of the Census	0607-AA04
155	Challenge Procedures for Population and Income Estimates	0607-AA05
156	Fee Structure for Age Search and Citizenship Information	0607-AA06

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Bureau of the Census—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
157	Challenge Procedure for Population and Income Estimates	0607-AA07

Economic Development Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
158	Energy Conservation: Miscellaneous Amendments to Financial Assistance Programs Regarding Energy Conservation	0610-AA03
159	General Requirements for Financial Assistance - Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
160	Economic Development Administration: Property Management Standards	0610-AA07
161	Designation of Public Works Impact Program Areas; Supplementary Grant Rates	0610-AA10
162	Property Management Standards - Mortgages	0610-AA12
163	Public Works and Development Facilities Program - Specific Types of Projects	0610-AA13
164	Business Development Program - Financial Assistance for Industrial and Commercial Purposes	0610-AA14
165	Property Management Standards - Mortgages	0610-AA15
166	General Requirements for Financial Assistance -- Flood Insurance Program	0610-AA16
167	Designation of Areas; Notification of Officials	0610-AA17
168	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
169	Designation of Areas; Overall Economic Development Program; Public Works and Development Facilities Program	0610-AA19
170	General Requirements for Financial Assistance	0610-AA20

General Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
171	Administrative Offsets for Debts Owed the Department of Commerce	0605-AA00
172	Audit Requirements for State and Local Governments	0605-AA01

International Trade Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
173	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
174	Adjustment Assistance for Firms and Industries	0625-AA05
175	Antidumping Duties; Countervailing Duties	0625-AA08
176	Effect of Imported Articles on the National Security	0625-AA15
177	Petroleum Partly Refined for Further Refining	0625-AA18
178	Revisions to Short Supply Regulations	0625-AA21

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
179	Removal of the Short Supply Validated Licensing Requirement on Exports of Linear Alpha Olefins and Other Acyclic Organic Compounds	0625-AA17
180	Commodities Subject to the Naval Petroleum Resources Production Act of 1976 (NPRPA)	0625-AA19

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National Bureau of Standards—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
181	Revision to FIPS 21-1, COBOL	0693-AA04
182	FIPS for Transport Protocol	0693-AA06
183	FIPS for Session Protocol Standard	0693-AA12
184	Revision to FIPS 70, Representation of Geographic Point Locations for Information Interchange	0693-AA13
185	FIPS for Message Transfer Protocol	0693-AA17
186	Procedures for the Development of Voluntary Product Standards	0693-AA20
187	FIPS for 130 mm (5.25 in) Flexible Disk Cartridge Track Format Using Two-Frequency Recording at 3979 bprad on One Side - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA21
188	FIPS for Flexible Disk Cartridge Labelling and File Structure for Information Interchange	0693-AA22
189	FIPS for 130 mm (5.25 in) Flexible Disk Cartridge Track Format Using Modified Frequency Modulation Recording at 7958 bprad on Two Sides - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA23
190	FIPS for 200 mm (8 in) Flexible Disk Cartridge Track Format Using Modified Frequency Modulation Recording at 13262 bprad on Two Sides - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA24
191	FIPS for 200 mm (8 in) Flexible Disk Cartridge Track Format Using Two-Frequency Recording at 6631 bprad on One Side - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA25
192	Revision to FIPS 68, Minimal BASIC	0693-AA26
193	FIPS for Ada	0693-AA27
194	FIPS for Network Database Language (NDL)	0693-AA28
195	FIPS for Graphical Kernel System (GKS)	0693-AA29
196	FIPS for Videotex/Teletext Presentation Level Protocol Syntax (North American PLPS)	0693-AA30
197	Revision to FIPS 69, FORTRAN	0693-AA31
198	FIPS for Database Language SQL	0693-AA32
199	FIPS for Optical Character Recognition (OCR) Dot Matrix Character Sets for OCR-MA	0693-AA33
200	FIPS for Database Language NDL	0693-AA34
201	FIPS for Basic Programming Language	0693-AA35
202	FIPS for MUMPS Programming Language	0693-AA36
203	FIPS for Specification for a Data Descriptive File for Information Interchange (DDF)	0693-AA37
204	FIPS for Information Resource Dictionary System (IRDS)	0693-AA38
205	Revision to FIPS 100, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks	0693-AA39
206	FIPS for Internetwork Protocol	0693-AA40
207	FIPS for Small Computer System Interface	0693-AA41
208	FIPS for Intelligent Peripheral Interface	0693-AA42
209	Revision to FIPS 104, American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange	0693-AA43
210	FIPS for Codes for the Identification of Aquifer Names and Geologic Units	0693-AA44

National Bureau of Standards—Completed Actions

Sequence Number	Title	Regulation Identifier Number
211	FIPS for Computer Data Authentication	0693-AA02
212	FIPS for Password Usage	0693-AA03
213	FIPS for Storage Module Interfaces	0693-AA05

National Oceanic and Atmospheric Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
214	Civil Procedures	0648-AA26
215	Designated Critical Habitat; Hawaiian Monk Seal	0648-AA27
216	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
217	General and Recreational Foreign Fishing	0648-AA40
218	Preemption of State Authority under Section 306(b) of the Magnuson Fishery Conservation & Management Act	0648-AA41
219	Interagency Cooperation - Endangered Species Act of 1973, as Amended	0648-AA43
220	U.S. Standards for Grades of Fish Steaks	0648-AA44

DOC

National Oceanic and Atmospheric Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
221	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom ETC	0648-AA46
222	U.S. General Standards for Grades of Shrimp	0648-AA47
223	Marking Requirements for the Importation, Exportation, & Interstate Transportation of Fish or Wildlife	0648-AA53
224	Tanner Crab Fishery Management Plan (FMP) - Regulatory Amendment to Change Pot Storage Areas	0648-AA71
225	U.S. Standards for Grades of Fresh or Frozen North American Freshwater Catfish and Products Made Therefrom	0648-AA73
226	Taking of Marine Mammals Incidental to Space Shuttle Launches	0648-AA84
227	Amendment to the Fishery Management Plan (FMP) for Atlantic Sea Scallops to Ensure Better Conservation of the Scallop Resources	0648-AA97
228	Final Rule Implementing the Northeast Multispecies Fishery Management Plan	0648-AB05
229	Regulations Governing the Taking and Importing of Marine Mammals; Definition of Commercial Fishing Operation	0648-AB07
230	Regional Fishery Management Councils	0648-AB09
231	Swordfish Fishery Management Plan: Proposed Regulations	0648-AB13
232	Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic: Implementing Regulations	0648-AB15
233	Amendment No. 3 for the Spiny Lobster Fisheries of the Western Pacific Region	0648-AB21
234	Foreign Fishing - Scientific Research	0648-AB23
235	Notice of the National Marine Fisheries Service's Proposed Policies for the Management of Interjurisdictional Fisheries and Fishery Resources	0648-AB24
236	Striped Bass Fishery Management Plan	0648-AB25
237	Shallow-Water Reeffish Fishery of Puerto Rico and the U.S. Virgin Islands	0648-AB26
238	Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region	0648-AB27
239	Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry - Notice of Funds Availability	0648-AB28
240	Fishery Management Plan for Bluefish	0648-AB29
241	Development of a Fishery Management Plan for Summer Flounder	0648-AB30
242	Fishery Management Plan for Sand Eel	0648-AB31
243	Amendment #1 To American Lobster Fishery Management Plan	0648-AB32
244	Atlantic Billfishes and Sharks - Foreign Fishing Regulations	0648-AB33
245	South Atlantic Shrimp Fishery: Implementing Regulations	0648-AB35
246	Atlantic Surf Clam and Ocean Quahog Fisheries: Implementing Regulations	0648-AB36
247	Atlantic Mackerel, Squid, and Butterfish Fisheries: Implementing Regulations	0648-AB37
248	Amendment 10 to the Tanner Crab Fishery Management Plan (FMP)	0648-AB38
249	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Redefine Sablefish Management Boundaries	0648-AB39
250	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan	0648-AB40
251	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Close FCZ Intrusion into State Waters	0648-AB41
252	Reporting Requirements Governing Salmon Taken off Alaska and Delivered or Landed Outside Alaska	0648-AB44
253	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46
254	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
255	Threatened Fish and Wildlife; Guadalupe Fur Seal	0648-AB48
256	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery off Alaska; Technical Amendment	0648-AB51
257	Amendment 9 to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan	0648-AB52
258	Amendment 11 to the Tanner Crab Fishery Management Plan (FMP)	0648-AB53
259	Amendment to American Lobster Fishery Management Plan - V-Notch on Female Lobsters	0648-AB54
260	Fishery Management Plan for Pacific Billfish Fisheries of the Western Pacific Region	0648-AB61
261	Foreign Fishing Poundage and Permit Fees, 1986	0648-AB62
262	Initial Implementation of King Crab Fishery Management Plan	0648-AB63
263	Study of Fishery Management	0648-AB65
264	Amendment 14 to the Fishery Management Plan for Groundfish of the Gulf of Alaska	0648-AB66
265	Proposed Regulations for the National Marine Sanctuary Program	0648-AA31
266	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
267	Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34
268	Proposed Regulations for the Proposed Fagatele Bay National Marine Sanctuary	0648-AA74
269	Draft Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
270	Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50
271	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
272	Deep Seabed Mining Regulations for Commercial Recovery	0648-AA36
273	Licensing of Ocean Thermal Energy Conversion Facilities and Plantships	0648-AA69

DOC

National Oceanic and Atmospheric Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
274	U.S. General Standards for Grades of Fish Fillets	0648-AA45

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
275	Amendment No. 3 to the High Seas Salmon Fishery Management Plan: Implementing Regulations	0648-AA75
276	Foreign Fishing (Segment 1): Foreign Fishing Vessel Permit Fees, 1985	0648-AB10
277	Atlantic Surf Clam and Ocean Quahog Fisheries: Implementing Regulations for Size Limits Framework Measure	0648-AB14
278	Atlantic Surf Clam and Ocean Quahog Fisheries: Implementing Regulations	0648-AB16
279	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Control Sablefish Fishing off Southeast Alaska	0648-AB18
280	Foreign Fishing - Prohibitions and Observer Regulations	0648-AB34
281	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Establish New Optimum Yields	0648-AB42
282	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Catch Limits for Pacific Halibut	0648-AB43
283	Amendment 8 to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan	0648-AB45
284	Regulations for Proposed La Parguera, Puerto Rico National Marine Sanctuary	0648-AA32
285	Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry - Notice of Funds Availability	0648-AB28

National Telecommunications and Information Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
286	Public Telecommunications Facilities Program; Interim Revision of Regulations	0660-AA01

Office of Productivity, Technology and Innovation—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
287	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms	0692-AA01

Office of Productivity, Technology and Innovation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
288	Licensing of Government Owned Inventions	0692-AA02

Patent and Trademark Office—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
289	Requests for Identifiable Records	0651-AA04
290	Variety Naming Requirements for Plant Patent Applications	0651-AA12
291	Term of Deposit of Microorganism	0651-AA13

DOC

Patent and Trademark Office—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
292	Miscellaneous Amendments of Trademark Rules	0651-AA16
293	Trademark Applications	0651-AA17
294	Trademark Automated Search System Fees	0651-AA18
295	Revision of Trademark Fees	0651-AA19
296	Arbitration of Patent Interference Cases	0651-AA20
297	Rules for Extension of Patent Term	0651-AA22
298	Trademark Applications	0651-AA23

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
299	Miscellaneous Patent Provisions	0651-AA21
300	Revision of Patent Fees	0651-AA24

DEPARTMENT OF COMMERCE (DOC)

Office of the Secretary (OS)

Current and Projected Rulemakings

145. ● CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned Department wide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA08

146. ● DEPARTMENT OF COMMERCE IMPLEMENTATION OF THE COMPETITION IN CONTRACTING ACT OF 1984 CAR AMENDMENT 85-2

Legal Authority: 41 USC 251 et seq; PL 98-369

CFR Citation: 48 CFR 1 to 53

Abstract: The Federal Acquisition Regulation (FAR) has been amended to incorporate the requirements of Public Law 98-369. Agencies are required to provide necessary implementing regulations which are peculiar to the executive agency. This is accomplished by Commerce through amendments to the existing Commerce Acquisition Regulation (CAR) (48 CFR 13). The provisions of the Public Law are effective April 1, 1985. Public Law 98-577 also requires amendments to the FAR and the CAR. Effective dates of Public Law 98-577 sections vary, but implementing regulations will be prepared by Mar. 1986. Commerce will amend the existing CAR once the amendments to the FAR are available to the public. Specific parts of the FAR requiring agency supplements cannot be readily determined at this time. Periodic updates are anticipated to implement regulatory and new statutory requirements. This CAR Amendment 85-2 implements the protest provisions of PL 98-369 within Commerce. This Amendment also involves Department policy unrelated to PL 98-369; e.g., women-owned small business acquisition program, pre-award surveys for ship repair contracts, recovery of administrative costs, use of Alternate I of (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: the FAR disputes clause and formal source selection.

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA09

147. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF COMMERCE PROGRAMS

Legal Authority: 29 USC 794; EO 12250

CFR Citation: 15 CFR 8c

Abstract: Regulations will be proposed providing for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended. These regulations will ensure programmatic and physical accessibility for handicapped individuals in Department of Commerce activities.

Timetable:

Action	Date	FR Cite
NPRM	11/24/84	49 FR 45861
NPRM Comment Period Begin	11/24/84	49 FR 45861
NPRM Comment Period End	03/21/85	
Final Action	07/01/86	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Richard Stearns, Chief, EEO Division, Department of Commerce, Office of the Secretary, Office of Civil Rights, 14th and Constitution Avenue, NW, Washington, DC 20230, **202 377-5691**

RIN: 0690-AA06

148. DEPARTMENT OF COMMERCE IMPLEMENTATION OF THE COMPETITION IN CONTRACTING ACT OF 1984 AND THE SMALL BUSINESS AND FEDERAL PROCUREMENT COMPETITION ENHANCEMENT ACT OF 1984 CAR ETC

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Abstract: The Federal Acquisition Regulation (FAR) has been amended to incorporate the requirements of Public Law 98-369. Agencies are required to provide necessary implementing regulations which are peculiar to the executive agency. This is accomplished by Commerce through amendments to the existing Commerce Acquisition Regulation (CAR) (48 CFR 13). The provisions of the Public Law are effective April 1, 1985. Public Law 98-577 also requires amendments to the FAR and the CAR. Effective dates of Public Law 98-577 sections vary, but implementing regulations will be prepared by Mar. 1986. Commerce will amend the existing CAR once the amendments to the FAR are available to the public. Specific parts of the FAR requiring agency supplements cannot be readily determined at this time. Periodic updates are anticipated to implement regulatory and new statutory requirements. This CAR Amendment 85-1 implements Public Law 98-369 within Commerce, except for the protest provisions of that Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/85	50 FR 19361
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: TITLE CONT: Amendment 85-1.

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, **202 377-2773**

RIN: 0690-AA07

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Existing Regulations Under Review

149. PUBLIC INFORMATION, FREEDOM OF INFORMATION (FEES)

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Abstract: These regulations set the fee structure for search and reproduction charges in response to Freedom of Information Act (FOIA) requests. The Department will study the existing fee structure, and then if warranted, propose revisions to the regulations.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	03/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA would be required or prepared if it is decided to propose revisions to these regulations.

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Geraldine P. LeBoo, Management Analyst, Department of Commerce, Office of the Secretary, Information Management Division, 14th & Constitution Avenue, NW, Washington, DC 20230, **202 377-3271**

RIN: 0690-AA04

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

150. AGE DISCRIMINATION ACT OF 1975: IMPLEMENTATION

Legal Authority: PL 94-1135 Age Discrimination Act of 1975

CFR Citation: 15 CFR 8d

Abstract: These regulations would set forth policies and procedures of the Department of Commerce to ensure that there is no discrimination on the basis of age in non-Federal Government programs or activities receiving financial assistance from the Department. Proposed regulation issued. See Timetable below for preparation and issuance of Department final regulations.

DOC—OS **Completed Actions**

Timetable:

Action	Date	FR Cite
NPRM	07/10/80	45 FR 134
Final Action	10/00/85	
Final Action Effective	03/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Arthur E. Cizek, Chief, Compliance Division, Department of Commerce, Office of the Secretary, Office of Civil Rights, Washington, DC 20230, **202 377-4993**

RIN: 0690–AA00

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Current and Projected Rulemakings

151. SURVEYS OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

Significance: Regulatory Program

Legal Authority: 22 USC 3101 to 3108 International Investment Survey Act of 1976; PL 98-573, Sec 306 Trade and Tariff Act of 1984

CFR Citation: 15 CFR 802, (Revision); 15 CFR 803, (Revision)

Abstract: Action will fill gaps in data on international services transactions so U.S. Government can better assess size and impact of these transactions, more effectively formulate international economic policies and conduct negotiations to reduce the barriers to services trade, improve recording of services transactions in the U.S. balance of payments accounts, and assist U.S. services businesses in identifying and evaluating market opportunities. Annual cost to BEA of conducting surveys will be about $500,000; initial cost to respondents will be about 132,000 manhours, or $4.0 million, at a maximum. Benefits in terms of reduction in barriers to services trade, increased sales of services, and improved balance of payments statistics will far exceed costs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	11/00/85	
Final Action	01/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $3,960,000; Yearly Recurring Cost: $2,000,000; Base Year for Dollar Estimates: 1985

Affected Sectors: All

Government Levels Affected: State, Federal

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, **202 523-0657**

RIN: 0691–AA03

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Completed Actions

COMPLETED RULEMAKINGS

152. FOREIGN TRADE STATISTICS (SEDS)

Legal Authority: 13 USC 301 to 307; 5 USC 301

CFR Citation: 15 CFR 30.3(b); 15 CFR 30.7(a); 15 CFR 30.7(d)(2); 15 CFR 30.7(i)(1); 15 CFR 30.7(i)(2); 15 CFR 30.7(q)(1); 15 CFR 30.7(t); 15 CFR 30.7(u); 15 CFR 30.7(v)(1); 15 CFR 30.7(v)(2); 15 CFR 30.9; 15 CFR 30.10; 15 CFR 30.22(b); 15 CFR 30.55(h)

Abstract: It is proposed to amend the Foreign Trade Statistics Regulations (FTSR) to incorporate additional Shipper's Export Declaration (SED) data requirements and changes resulting from the redesign of the SEDs and their continuation sheets. It is also proposed to amend the FTSR to raise the upper limit of the present exemption from SED filing requirements based on value from $500 to $1,000 except for shipments through the U.S. Postal Service.

Timetable:

Action	Date	FR Cite
NPRM	12/10/84	49 FR 48055
NPRM Comment Period Begin	12/10/84	49 FR 48055
NPRM Comment Period End	02/08/85	
Final Action	06/04/85	50 FR 23400
Final Action Effective	06/04/85	50 FR 23400

Small Entity: No

Agency Contact: Barry Cohen, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 2108, Federal Building 3, Washington, DC 20233, **301 763-5342**

RIN: 0607–AA02

153. FOREIGN TRADE STATISTICS

Legal Authority: 13 USC 301 to 307; 5 USC 301

CFR Citation: 15 CFR 30.1(a)(1)

Abstract: It is proposed to amend the Foreign Trade Statistics Regulations to eliminate the requirement for filing Shipper's Export Declarations (SEDs) for shipments from the United States and Puerto Rico to the Northern Mariana Islands and to reflect the transfer of the Panama Canal to the Republic of Panama.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37425
NPRM Comment Period Begin	09/24/84	49 FR 37425
NPRM Comment Period End	11/23/84	

Action	Date	FR Cite
Final Action	04/02/85	50 FR 13016
Final Action Effective	04/02/85	50 FR 13016

Small Entity: No

Agency Contact: Barry Cohen, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 2108, Federal Building 3, Washington, DC 20233, **301 763-5342**

RIN: 0607–AA03

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

154. ● SEAL OF THE BUREAU OF THE CENSUS

Legal Authority: 13 USC 3

CFR Citation: 15 CFR 20; 15 CFR 100

Abstract: The Bureau of the Census is hereby redesignating Title 15 Code of Federal Regulations, Part 20, Seal of the Bureau of the Census, as Title 15, Code of Federal Regulations, Part 100. This change is being made to provide the Office of the Secretary of Commerce additional parts in Subtitle A of Title 15, Code of Federal Regulations, Parts 20-29.

Timetable:

Action	Date	FR Cite
Final Action	06/07/85	50 FR 23047
Final Action Effective	06/07/85	50 FR 23047

Small Entity: Not Applicable

Agency Contact: Michael S. McKay, Chief, Department of Commerce, Bureau of the Census, Organization and Management Systems Division, Room 3102, FB 3, Washington, DC 20233, **301 763-7452**

RIN: 0607–AA04

155. ● CHALLENGE PROCEDURES FOR POPULATION AND INCOME ESTIMATES

Legal Authority: 13 USC 4; 13 USC 181

CFR Citation: 15 CFR 90; 15 CFR 90.14(f)

Abstract: The Bureau of the Census is amending 15 CFR, Part 90 to eliminate the need to electronically record hearings held under this procedure. The provision will now require that the hearings be recorded, thereby allowing the use of standard services such as those provided by court reporters. The legal authority citation also is being changed from 13 USC 4 to 13 USC 4 and 181.

Timetable:

Action	Date	FR Cite
Final Action	05/06/85	50 FR 18989
Final Action Effective	05/06/85	50 FR 18989

Small Entity: Not Applicable

Agency Contact: Roger A. Herriot, Chief, Population Division, Department of Commerce, Bureau of the Census, Room 2011, FB 3, Washington, DC 20233, **301 763-7646**

RIN: 0607–AA05

156. ● FEE STRUCTURE FOR AGE SEARCH AND CITIZENSHIP INFORMATION

Legal Authority: 13 USC 8(a); 15 USC 189(a); 15 USC 192; 15 USC 192(a)

CFR Citation: 15 CFR 50; 15 CFR 50.5

Abstract: The Bureau of the Census is hereby amending Title 15, Code of Federal Regulations, Chapter 1 Section 50.5, fee structure for age search and citizenship information to increase the fee for an age search from $12.00 to $15.00. This change is being made to recover the increase in cost to process a request. Title 13, United States Code, requires recovery of the costs. No transcript of any record will be furnished which would violate statutes requiring that information furnished to the Bureau of the Census be held confidential and not used to the detriment of the person to whom it relates.

Timetable:

Action	Date	FR Cite
Final Action	06/04/85	50 FR 23403
Final Action Effective	10/01/85	50 FR 23403

Small Entity: Not Applicable

Agency Contact: Francis N. Allai, Chief, Personal Census Service Branch, Department of Commerce, Bureau of the Census, Pittsburg, Kansas 06762, **316 231-7100**

RIN: 0607–AA06

157. ● CHALLENGE PROCEDURE FOR POPULATION AND INCOME ESTIMATES

Legal Authority: 13 USC 4; 13 USC 181

CFR Citation: 15 CFR 90; 15 CFR 90.5

Abstract: This action modifies the procedure to be followed in releasing certain population and per capita income estimates. The estimates affected are the figures for subcounty areas covered in 15 CFR Part 90. That regulation stipulates a challenge procedure for use by local officials. The only provision of the original rule that is altered by this action is the way in which the estimates are released.

Timetable:

Action	Date	FR Cite
Final Action	07/16/85	50 FR 28767
Final Action Effective	07/16/85	50 FR 28767

Small Entity: No

Agency Contact: Roger A. Herriot, Chief, Population Division, Department of Commerce, Bureau of the Census, Room 2011-3, Washington, DC 20233, **301 763-7646**

RIN: 0607–AA07

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Current and Projected Rulemakings

DEPARTMENT OF COMMERCE (DOC)

Economic Development Administration (EDA)

Current and Projected Rulemakings

158. ENERGY CONSERVATION: MISCELLANEOUS AMENDMENTS TO FINANCIAL ASSISTANCE PROGRAMS REGARDING ENERGY CONSERVATION

Legal Authority: EO 12185

CFR Citation: 13 CFR 305.59; 13 CFR 306.12(g)(14); 13 CFR 306.12(j); 13 CFR 307.22(b); 13 CFR 307.28(c)(6); 13 CFR 307.55(a)(15); 13 CFR 307.55(b)(5); 13 CFR 307.56(h); 13 CFR 307.57(a)(6); 13 CFR 308.6(a)(8)

Abstract: Interim regulations were issued to bring the existing regulations within the bounds of the requirements of EO 12185 which directed Federal agencies to revise their regulations to encourage recipients of Federal financial assistance to conserve energy. The new regulations are designed to encourage EDA assistance recipients to undertake energy conservation measures on a voluntary basis. There are no viable alternatives to the regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/82	47 FR 19982
Beg. Comment Period on Interim Rule	05/10/82	47 FR 19982
End Comment Period on Interim Rule	07/10/82	47 FR 19982
Final Action	12/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Analysis: See Additional Information

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA03

159. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Abstract: The existing regulation will be amended to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite
Beg. Comment Per Interim Final Rule	04/00/85	
End Comment Per Interim Final Rule	06/00/85	
Interim Final Rule	12/00/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Analysis: See Additional Information

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, **202 377-5441**

RIN: 0610-AA05

160. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with Federal funds will be revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. In addition, revisions will clarify present requirements for determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite
Beg Comment Period on Interim Final	04/00/85	
End Comment Period on Interim Final	06/00/85	
Interim Final Rule	12/00/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, **202 377-5441**

RIN: 0610-AA07

161. DESIGNATION OF PUBLIC WORKS IMPACT PROGRAM AREAS; SUPPLEMENTARY GRANT RATES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302.7; 13 CFR 305.5

Abstract: These amendments were in effect for a limited time under the Emergency Jobs Act which has ended and for which funds are no longer available. The rules, with two technical exceptions (changing description of Assistant Secretary to "he/she" and implementing the change in delegation to the Assistant Secretary for project approval), are to revert back to the original.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/83	48 FR 23154
Begin Review	05/23/83	
End Review	07/23/83	
Final Action	12/00/85	

Small Entity: No

Additional Information: Neither an RIA or RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, 14th and Constitution Avenue, NW, Room 7009, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA10

162. PROPERTY MANAGEMENT STANDARDS - MORTGAGES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314.5

Abstract: These amendments allow the Assistant Secretary to waive the prohibition against placing mortgages on property which has been financed by an EDA public works grant, if an additional condition is met. This additional condition for waiver is that all proceeds from a loan which is secured by a mortgage or lien on property which has been financed by an EDA public works grant shall be available only to the grantee and such proceeds shall be used on the project which secures such loans, or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/84	49 FR 22463
Begin Review	05/30/84	
End Review	07/30/84	
Final Action	12/00/85	

Small Entity: No

Additional Information: Neither an RIA, nor an RFA is required or will be prepared.

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA12

163. PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM - SPECIFIC TYPES OF PROJECTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 305

Abstract: This rule amends EDA's tourism and recreation regulation to conform to an EDA policy position exempting the Public Works Impact Program (PWIP) projects from the tourism and recreation requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/07/85	50 FR 725
Final Action Effective	06/00/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel Operation and Admin, Department of Commerce, Economic Development Administration, 14th & Constitution Ave., NW, Rm. H7001, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA13

164. BUSINESS DEVELOPMENT PROGRAM - FINANCIAL ASSISTANCE FOR INDUSTRIAL AND COMMERCIAL PURPOSES

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 306

Abstract: This rule amends EDA's project financing regulation by increasing EDA's ordinary maximum participation for business loan projects from $10,000 to $20,000 per job created or saved. Findings from EDA and GAO studies indicate that the current average government cost per job saved or created far exceeds the $10,000 limit. An increased limit of $20,000 per job created or saved is consistent with these findings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	12/00/85	

Small Entity: No

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW Rm. H7001, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA14

165. PROPERTY MANAGEMENT STANDARDS - MORTGAGES

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Abstract: This rule amends EDA's Property Management regulations concerning mortgages. It provides that funds obtained from loans secured by mortgages on property which has been financed by an EDA grant shall be provided only to the grantee, with the exception of public utilities subject to existing bonds containing after-acquired property clauses, for use on the project which is being mortgaged or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/85	

Small Entity: No

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW Rm. H7001, Washington, DC 20230, **202 377-5441**

RIN: 0610–AA15

166. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE -- FLOOD INSURANCE PROGRAM

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Abstract: This rule amends EDA's regulations at 13 CFR 309.5 on Flood Hazard to reflect a shift in the administration of the Flood Insurance Program from the Department of Housing and Urban Development (HUD) to the Federal Emergency Management Agency (FEMA).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/85	
Final Action	12/00/86	
Final Action Effective	12/00/86	

Small Entity: No

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW, Room 7324, Washington, DC 20230, **202 377-2710**

RIN: 0610–AA16

167. ● DESIGNATION OF AREAS; NOTIFICATION OF OFFICIALS

Legal Authority: 42 USC 3211; Department of Commerce Organization, 10-4, as amended

CFR Citation: 13 CFR 302

Abstract: EDA is amending 13 CFR 302 on Area Designation at Subpart D -- Notice as to when the Assistant Secretary is to notify local, State and national officials as to termination or modification of designation status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 128
Final Action	12/00/85	
Final Action Effective	12/00/85	

Small Entity: Not Applicable

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Building, 14th & Constitution Avenue, NW, Room 7324, Washington, DC 20230, **202 377-2710**

RIN: 0610–AA17

168. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	12/00/85	
Final Action Effective	12/00/85	

Small Entity: No

Additional Information: Neither a RIA nor RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Travis P. Dungan, Deputy Assistant Secretary for Finance, Department of Commerce, Economic Development Administration, Herbert C. Hoover Building, 14th & Constitution Ave., NW, Room 7824, Washington, DC 20230, **202 377-5067**

RIN: 0610–AA18

169. ● DESIGNATION OF AREAS OVERALL ECONOMIC DEVELOPMENT PROGRAM PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302; 13 CFR 304; 13 CFR 305

Abstract: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program Requirements; and Supplementary Grant Rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/85	
Final Action	12/00/86	
Final Action Effective	12/00/86	

Small Entity: Not Applicable

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW, Room 7324, Washington, DC 20230, **202 377-2710**

RIN: 0610–AA19

170. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Abstract: The rule to be amended concerns nonrelocation requirements. The amendment narrows the nonrelocation requirements to business development projects. The amendment also limits the definition of "financial assistance" to loans and guarantees and deletes reference to grants, technical assistance and training.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	
Final Action	11/00/85	
Final Action Effective	11/00/85	

Small Entity: Not Applicable

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Adm., Department of Commerce, Economic Development Administration, Herbert C. Hoover Building, 14th and Constitution Ave., NW, Room 7009, Washington, DC 20230, **202 377-5441**

RIN: 0610–AA20

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)

General Administration (ADMIN)

171. ADMINISTRATIVE OFFSETS FOR DEBTS OWED THE DEPARTMENT OF COMMERCE

Legal Authority: PL 97-365, Sec 10

CFR Citation: 15 CFR 2A, (New)

Abstract: The proposed regulation will cover Department procedures for withholding money due individuals and businesses indebted to the Federal Government. Administrative offsets will be used by the Department when debtors have failed to make timely and adequate payments to satisfy such debts. Prior to collecting claims through administrative offset, debtors will be provided under the regulations with a notification of the amount and nature of the claim and the Department's intention to collect the claim through administrative offset, and explanation of the debtor's rights, an opportunity for the debtor to inspect and copy the agency's records relating to the claim, an opportunity for review of the claim by the agency if contested by the debtor, and an opportunity to enter into a written agreement with the agency for repayment of the amount due. These procedures will ensure the effective use of administrative offsets when appropriate, thereby increasing collections of amounts due the Federal Government. The result will be better cash management and a slight reduction in the need of the Federal Government to borrow funds in the capital market.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Agency Contact: Roger J. Mallet, Chief, Financial Management Branch, Department of Commerce, General Administration, Office of Finance and Federal Assistance, Room 6823, 14th & Constitution Ave. NW, Washington, DC 20230, **202 377-2324**

RIN: 0605–AA00

172. AUDIT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENTS

Legal Authority: PL 98-502 Single Audit Act of 1984

CFR Citation: 15 CFR 8a

Abstract: An appropriate regulation or regulations will be issued to address the problem of the numerous audits which are conducted on State and local Governments with Federal aid. The regulation will consolidate audits conducted on State and local Governments and thus improve audits of Federal aid programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/85	50 FR 30418
Final Action	09/00/85	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: John J. Phelan, Chief, Federal Assistance Policy Branch, Department of Commerce, General Administration, Room 6020, 14th & Constitution Avenue, NW, Washington, DC 20230, **202 377-5817**

RIN: 0605–AA01

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Current and Projected Rulemakings

173. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period Begin	10/14/80	
ANPRM Comment Period End	12/15/80	
NPRM	12/00/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: **John L. Evans**, Deputy to the Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Washington, DC 20230, **202 377-1780**

RIN: 0625–AA04

174. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA.

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44903
NPRM Comment Period Begin	11/13/84	49 FR 44903
NPRM Comment Period End	12/13/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. This rule is exempt from the requirements of the Regulatory Flexibility Act, since the Department is not required by Section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (See Section 553(a)(2) concerning loans and grants).

Affected Sectors: Multiple

Analysis: See Additional Information

Agency Contact: **August Fromuth**, Acting Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, **202 377-0150**

RIN: 0625–AA05

175. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Abstract: Certain unfair trade practices by foreign governments that could be penalized as dumping or subsidization are either not subject to such remedies under the current law or regulations, subject to challenge if penalized, or escape detection by petitioners and the Department. While certain constraints are imposed by the statutes, the relevant Codes, and the effects on U.S. exporters, all possibilities will be examined with a goal of achieving the maximum benefit for U.S. trading interests and amendments to the regulations will be proposed to take care of as much of the problem as possible through the regulatory process.

Timetable:

Action	Date	FR Cite
NPRM	06/10/85	50 FR 29225
NPRM Comment Period Begin	06/10/85	50 FR 32088
NPRM Comment Period End	09/09/85	
Final Action	12/15/85	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: **C. Christopher Parlin**, Director, Office of Policy, Department of Commerce, International Trade Administration, Import Administration, Washington, DC 20230, **202 377-1780**

RIN: 0625–AA08

176. EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Legal Authority: 19 USC 1862 Trade Expansion Act of 1962, as amended; 5 USC App. Reorganization Plan No. 3 of 1979; EO 12188

CFR Citation: 15 CFR 359

Abstract: Section 359.10(a) of the existing regulation requires that a report of an investigation be organized into several sections containing classified and unclassified information. Paragraph (c) of that section requires that the report (excluding confidential material) be published in the Federal Register. Paragraph (a) will be amended to delete the report organization requirement and paragraph (b) will be amended to permit publication of either the full report or a summary thereof. It is impractical, time consuming, and not cost effective to organize the report, and publish the full report, as now required by the regulation. Section 359.10(c) will also be amended to provide that a copy of the report will be available to the public from the Publications Distribution Office of the Department rather than at ITA's Freedom of Information Records Inspection Facility.

Timetable:

Action	Date	FR Cite
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Agency Contact: Edward Levy, 232 Program Manager, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Priorities and Allocations Division, Washington, DC 20230, **202 377-3634**

RIN: 0625-AA15

177. PETROLEUM PARTLY REFINED FOR FURTHER REFINING

Legal Authority: 50 USC 1702 PL 95-223, as amended, Sec 203; 50 USC 1704 PL 95-223, as amended, Sec 206; EO 12470 March 30, 1984 (49 FR 13099, April 3, 1984); 42 USC 6212 PL 94 163, as amended, Sec 103; EO 11912 April 13, 1976 (49 FR 15825, as amended); 10 USC 7430 as amended by PL 98-258. Sec 201(10)

CFR Citation: 15 CFR 377

Abstract: With few exceptions, the Congress prohibits the export of crude oil. However, the Department wants to ensure that it does not unnecessarily restrict sales of refined petroleum products by imposing regulatory barriers that were not intended by statutes. Accordingly, the Department will attempt to clarify the definition of refined petroleum products to provide greater certainty to exporters as to what may be exported. There are no costs associated with this action.

Timetable:

Action	Date	FR Cite
ANPRM	01/15/85	50 FR 2064
ANPRM Comment Period Begin	01/15/85	50 FR 2064
ANPRM Comment Period End	02/14/85	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: It is anticipated that this proposal will be withdrawn at the time that a revision to the Short Supply regulations (15 CFR 377) is published as an interim final rule by October 1985.

Agency Contact: John A. Richards, Director, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20230, **202 377-4506**

RIN: 0625-AA18

178. ● REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002

CFR Citation: 15 CFR 371; 15 CFR 377; 15 CFR 399

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of Section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 377) and related licensing requirements (15 CFR 371 and 399) of the Export Administration Regulations (15 CFR 368-399) is necessary. An interim final rule is now under consideration which would include (1) elimination of the validated licensing requirement for exports of refined petroleum products and permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	
Final Action	04/00/86	

Small Entity: Yes

Agency Contact: Rodney A. Joseph, Short Supply Program Manager, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20236, **202 377-3984**

RIN: 0625-AA21

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Completed Actions

COMPLETED RULEMAKINGS

179. REMOVAL OF THE SHORT SUPPLY VALIDATED LICENSING REQUIREMENT ON EXPORTS OF LINEAR ALPHA OLEFINS AND OTHER ACYCLIC ORGANIC COMPOUNDS

Legal Authority: 50 USC 1702 PL 95-223, as amended, Sec 203; 50 USC 1704 PL 95-223, as amended, Sec 206; EO 12470 March 30, 1984 (49 FR 13099, April 3, 1984); 42 USC 6212 PL 94-163, as amended, Sec 103; EO 11912 April 13, 1976 (49 FR 15825, as amended); 10 USC 7430 as amended by PL 94-258, Sec 201(10)

CFR Citation: 15 CFR 377

Abstract: Linear Alpha Olefins are currently subject to validated export licensing requirements under a basket category which applies to naphthas (Group N of Supplement No 2 to 377 of the Export Administration Regulations). The Department is considering removing licensing requirements for LAOs and similar commodities because they do not have a likely energy end use. During the comment period, all respondents favored the removal of licensing requirements on the grounds that current requirements are burdensome, that LAOs are not naphthas, that they do not have a likely energy end use, and that they are not in short supply. Accordingly, the Department is in the process of considering the most appropriate course of action with regard to possible decontrol of this and smaller commodities.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/84	49 FR 26751
ANPRM Comment Period Begin	06/29/84	49 FR 26751
ANPRM Comment Period End	07/13/84	
Interim Final Rule	01/07/85	50 FR 729
Public comment period began	01/07/85	50 FR 729
Public comment period ends	02/06/85	50 FR 729
Final Action	05/09/85	50 FR 19521

DOC—ITA **Completed Actions**

Action	Date	FR Cite
Final Action Effective	05/09/85	50 FR 19521

Small Entity: Not Applicable

Agency Contact: **John A. Richards**, Director, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Washington, DC 20230, **202 377-4506**

RIN: 0625–AA17

180. COMMODITIES SUBJECT TO THE NAVAL PETROLEUM RESOURCES PRODUCTION ACT OF 1976 (NPRPA)

Legal Authority: 50 USC 1702 PL 95-223, as amended, Sec 203; 50 USC 1704 PL 95-223, as amended, Sec 206; EO 12470 March 30, 1984 (49 FR 13099, April 3, 1984); 42 USC 6212 PL 94-163, as amended, Sec 103; EO 11912 April 13, 1976 (49 FR 15825, as amended); 10 USC 7430 as amended by PL 94-258, Sec 201(10)

CFR Citation: 15 CFR 377

Abstract: The Naval Petroleum Resources Production Act of 1976 (NPRPA) prohibits the export of products refined from crude oil produced from the Naval Petroleum Reserves. However, many commodities now subject to NPRPA restrictions include products which are far removed from crude oil and do not require validated export licenses. Accordingly, the Department proposes to limit the applicability of the NPRPA to those products currently subject to a validated export license. There are no costs associated with this action which would promote the export of decontrolled products.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 835
NPRM Comment Period Begin	01/07/85	50 FR 835
NPRM Comment Period End	02/06/85	
Final Action	05/09/85	50 FR 19522
Final Action Effective	05/09/85	50 FR 19522

Small Entity: Not Applicable

Agency Contact: **John A. Richards**, Director, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20230, **202 377-4506**

RIN: 0625–AA19

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS) **Current and Projected Rulemakings**

181. REVISION TO FIPS 21-1, COBOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt the revised American National Standard Programming Language COBOL for Federal Government use. The standard will promote the portability of COBOL programs for use on a variety of data processing systems and will enable Federal agencies and departments to exercise more effective control over the production, management, and use of Federal Government information resources.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45772
NPRM Comment Period Begin	11/20/84	49 FR 45772
NPRM Comment Period End	03/20/85	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA04

182. FIPS FOR TRANSPORT PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard provides for reliable, transparent transfer of data between two heterogeneous or homogeneous computer systems. The standard is based on an international consensus and is compatible with the International Organization for Standardization (ISO) document ISO/TC97/SC 16 N 1169, class 2 and class 4. This is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/81	46 FR 14913
ANPRM Comment Period Begin	03/03/81	46 FR 14913
ANPRM Comment Period End	05/03/81	
NPRM	05/20/83	48 FR 22770
NPRM Comment Period Begin	05/20/83	48 FR 22770
NPRM Comment Period End	08/18/83	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA06

183. FIPS FOR SESSION PROTOCOL STANDARD

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will provide for reliable connections between users on a computer network. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal Government agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period Begin	01/00/86	
NPRM Comment Period End	04/00/86	
Final Action	00/00/00	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA12

184. REVISION TO FIPS 70, REPRESENTATION OF GEOGRAPHIC POINT LOCATIONS FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Abstract: This revision will extend the current FIPS which establishes uniform formats for geographic point location data that is collected, processed and analyzed by Federal Government agencies. The extensions will provide for more complete and accurate representation of data.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	48 FR 41478
NPRM Comment Period Begin	09/15/83	48 FR 41478
NPRM Comment Period End	12/14/83	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA13

185. FIPS FOR MESSAGE TRANSFER PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will provide for reliable exchange of messages through Federal Government computer networks. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA17

186. PROCEDURES FOR THE DEVELOPMENT OF VOLUNTARY PRODUCT STANDARDS

Legal Authority: 15 USC 272

CFR Citation: 15 CFR 10

Abstract: The Department of Commerce proposes to revise its existing procedures for the development of Voluntary Product Standards. The Department proposes to modify the provisions for the withdrawal of standards and to establish a new appeals mechanism and provisions for developing interpretations of standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/00/86	
Final Action Effective	02/00/86	

Small Entity: No

Affected Sectors: 208 Beverages; 242 Sawmills and Planing Mills; 243 Millwork, Veneer, Plywood, and Structural Wood Members; 322 Glass and Glassware, Pressed or Blown

Agency Contact: **Donald R. Mackay**, Associate Manager, Standards Management Prog, Department of Commerce, National Bureau of Standards, Office of Product Standards Policy, Admin A625, Gaithersburg, Maryland 20899, **301 921-3287**

RIN: 0693–AA20

187. FIPS FOR 130 MM (5.25 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING TWO-FREQUENCY RECORDING AT 3979 BPRAD ON ONE SIDE - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 6596/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	10/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA21

188. FIPS FOR FLEXIBLE DISK CARTRIDGE LABELLING AND FILE STRUCTURE FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 7665) for labelling and file structure of flexible disks. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	10/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA22

189. FIPS FOR 130 MM (5.25 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING MODIFIED FREQUENCY MODULATION RECORDING AT 7958 BPRAD ON TWO SIDES - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 7487/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	10/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA23

190. FIPS FOR 200 MM (8 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING MODIFIED FREQUENCY MODULATION RECORDING AT 13262 BPRAD ON TWO SIDES - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 7065/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	10/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA24

191. FIPS FOR 200 MM (8 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING TWO-FREQUENCY RECORDING AT 6631 BPRAD ON ONE SIDE - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 5654/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	10/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA25

192. REVISION TO FIPS 68, MINIMAL BASIC

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This revision of the current standard (FIPS 68) will change the Applicability and Objectives sections to clarify issues related to the use of programming languages. The revision will make the goals of the FIPS more definitive, recognize advances in programming technology, provide more specific guidance concerning the applicability of FIPS languages, and provide consistent policy for all FIPS languages. The language specifications (American National Standard Programming Language Minimal BASIC, X3.60-1978) are not changed.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45774
NPRM Comment Period Begin	11/20/84	49 FR 45774
NPRM Comment Period End	03/20/85	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA26

193. FIPS FOR ADA

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt for Federal agency use American National Standard ANSI/MIL-STD-1815A-1983, Reference Manual for the Ada Programming Language, which is a voluntary industry standard developed by the Department of Defense. This standard will enable programs written in Ada to be used in a variety of data processing systems and will enable agencies to encourage more effective utilization and management of programmers by ensuring that programming skills acquired in one job are transportable to other jobs, thereby reducing the cost of training.

Timetable:

Action	Date	FR Cite
NPRM	03/25/85	50 FR 11748
NPRM Comment Period Begin	03/25/85	50 FR 11748
NPRM Comment Period End	06/24/85	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA27

194. FIPS FOR NETWORK DATABASE LANGUAGE (NDL)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt for Federal agency use an American National Standard currently undergoing formal public review. Use of the specifications will enable Federal agencies to acquire database management systems and other database software that will operate on many different computer systems. Further, training and skills of staff will be transferable to different systems.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	01/00/86	
Final Action	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA28

195. FIPS FOR GRAPHICAL KERNEL SYSTEM (GKS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt for Federal government use an American National Standard for GKS. Use of this standard will enable Federal agencies to exchange graphics programs between different installations. The standard will enable agencies to encourage more effective utilization and management of graphics application programmers by ensuring that skills acquired in one job are transportable to other jobs, thereby reducing the costs of training.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12602
NPRM Comment Period Begin	03/29/85	50 FR 12602
NPRM Comment Period End	06/27/85	
Final Action	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA29

196. FIPS FOR VIDEOTEX/TELETEXT PRESENTATION LEVEL PROTOCOL SYNTAX (NORTH AMERICAN PLPS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt for Federal agency use American National Standard X3.110-1983, Videotex/Teletext Presentation Level Protocol Syntax (North American PLPS). This standard will enable Federal agencies to acquire data processing and communications and related equipment that interchange

coded information in accordance with the voluntary industry standard.

Timetable:

Action	Date	FR Cite
NPRM	04/10/85	50 FR 14128
NPRM Comment Period Begin	04/10/85	50 FR 14128
NPRM Comment Period End	07/09/85	
Final Action	03/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA30

197. REVISION TO FIPS 69, FORTRAN

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This revision of the current standard (FIPS 69) will change the Applicability and Objectives sections to clarify issues related to the use of programming languages. The revision will make the goals of the FIPS more definitive, recognize advances in programming technology, provide more specific guidance concerning the applicability of FIPS languages, and provide consistent policy for all FIPS languages. The language specifications (American National Standard Programming Language FORTRAN, X3.9-1978) are not changed.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45774
NPRM Comment Period Begin	11/20/84	49 FR 45774
NPRM Comment Period End	03/20/85	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA31

198. ● FIPS FOR DATABASE LANGUAGE SQL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt an American National Standard (currently ANSI BSR X3.135) that defines the structure and operations of a relational data model and specifies data definition and data manipulation language interfaces to database systems supporting the relational model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	03/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA32

199. ● FIPS FOR OPTICAL CHARACTER RECOGNITION (OCR) DOT MATRIX CHARACTER SETS FOR OCR-MA

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt an American National Standard (currently ANSI BSR X3.111) which provides the description, scope, and application rules for a character set that is generated by dot matrix printers and that closely matches the OCR-A character set. Use of this standard will reduce the cost of data input into ADP systems which use OCR equipment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	02/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA33

200. ● FIPS FOR DATABASE LANGUAGE NDL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt an American National Standard (current ANSI BSR X3.133-198x) that defines the structure and operations of a network data model and specifies data definition and data manipulation language interfaces to database systems supporting the network model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	03/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA34

201. ● FIPS FOR BASIC PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the BASIC programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	01/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA35

202. ● FIPS FOR MUMPS PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt an American National Standard (ANSI/MDC X11.1-1984) which defines the syntax of language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	01/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA36

203. ● FIPS FOR SPECIFICATION FOR A DATA DESCRIPTIVE FILE FOR INFORMATION INTERCHANGE (DDF)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt an International Standard ISO 8211, which provides a standard interchange format for data structures, data files, data definitions, and databases. Use of this standard will enable Federal agencies to transport data easily between computer systems of different manufacturers and to restructure the data without loss of content or meaning.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	01/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA37

204. ● FIPS FOR INFORMATION RESOURCE DICTIONARY SYSTEM (IRDS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt an American National Standard (now draft proposed) which will promote portability of information resources. The Information Resource Dictionary System is a software system for recording, storing, and processing descriptions of an organization's significant data. Use of the standard will improve identification of data that can be shared within an organization, reduce unnecessary development of computer programs, and increase portability of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA38

205. ● REVISION TO FIPS 100, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA COMMUNICATIONS NETWORKS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This revision will make the standard consistent with minor changes that were made to Recommendation X.25 by the Consultative Committee for International Telegraph and Telephone in 1984. This is an international standard for data processing equipment, services and telecommunications equipment using public packet switched data communications networks.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	03/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA39

206. ● FIPS FOR INTERNETWORK PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will provide the specifications for network interconnection via procedures for the connectionless transmission of data and control information from one network entity to another. It is based on the work of the International Organization for Standardization and is one of a family of computer network protocol standards which will make possible computer-to-computer communications of Federal ADP systems. It will enable organizations to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	03/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA40

207. ● FIPS FOR SMALL COMPUTER SYSTEM INTERFACE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt an American National Standard (currently dpANS X3.131) which defines the physical, electrical, and mechanical specifications for an 8-bit parallel bus, suitable for connecting physically small computers to each other and to mass storage peripherals. This standard is widely used in industry, and will enable Federal users to reduce costs and improve reutilization of mass storage components for small systems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period Begin	06/00/86	
NPRM Comment Period End	09/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA41

208. ● FIPS FOR INTELLIGENT PERIPHERAL INTERFACE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will adopt American National Standards (currently dpANS X3.129, dpANS X3.130, dpANS X3.132, and X3T9/85-37) which provide for the interconnection of high performance computer systems and mass storage components for large and medium scale computers. This standard will be an alternative to FIPS 60, I/O Channel Interface, and will enable Federal agencies to reduce the cost of computer system components through improved competition.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period Begin	06/00/86	
NPRM Comment Period End	09/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA42

209. ● REVISION TO FIPS 104, AMERICAN NATIONAL STANDARD CODES FOR THE REPRESENTATION OF NAMES OF COUNTRIES, DEPENDENCIES, AND AREAS OF SPECIAL SOVEREIGNTY FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Abstract: This revision to an existing FIPS updates the codes for representation of countries, dependencies, and areas of special sovereignty and proposes these American National Standard codes as a Federal Program Standard for use in international trade applications. The current FIPS 104 is a guideline.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA43

210. ● FIPS FOR CODES FOR THE IDENTIFICATION OF AQUIFER NAMES AND GEOLOGIC UNITS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Abstract: This standard will adopt for Federal government use codes for aquifer names and geologic units developed by the Department of the Interior under its Memorandum of Understanding with NBS to develop and maintain earth science data element and representation standards. The standard will facilitate the interchange of information among Federal departments and agencies.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	01/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693–AA44

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Completed Actions

COMPLETED RULEMAKINGS

211. FIPS FOR COMPUTER DATA AUTHENTICATION

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard specifies a process that Federal Government agencies may use to detect unauthorized modifications, both intentional and accidental, of data that is transmitted or stored in either plain text or cipher text form. The standard will enable managers of Federal data systems to protect data and computer systems through the use of cryptographic authentication and to detect intentional modifications of data.

Timetable:

Action	Date	FR Cite
NPRM	08/10/82	47 FR 34613
NPRM Comment Period Begin	08/10/82	47 FR 34613
NPRM Comment Period End	11/08/82	
Final Action	05/30/85	50 FR 23047
Final Action Effective	11/30/85	50 FR 23047

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA02

212. FIPS FOR PASSWORD USAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will specify the factors to be considered in the design, implementation and use of Federal Government computer systems. It will specify certain procedures to be used in the generation, distribution, use, storage, protection, and replacement of passwords to enable Federal agencies to protect data stored and transmitted by computer systems.

Timetable:

Action	Date	FR Cite
NPRM	07/28/81	46 FR 38564
NPRM Comment Period Begin	07/28/81	46 FR 38564
NPRM Comment Period End	09/30/81	
Final Action	05/30/85	50 FR 23048
Final Action Effective	05/30/85	50 FR 23048

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA03

213. FIPS FOR STORAGE MODULE INTERFACES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Abstract: This standard will provide to Federal agencies the mechanical, electrical and functional requirements for the storage module class of interface between disk drives and their respective control units. It will establish a minimum set of requirements for Federal agencies to enable compatibility and interchangeability of disk drives connected to computer systems.

Timetable:

Action	Date	FR Cite
Final Action	04/18/85	50 FR 15470
Final Action Effective	05/18/85	50 FR 15470

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

DOC—NBS **Completed Actions**

Agency Contact: **Shirley Radack**, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693–AA05

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Current and Projected Rulemakings

NATIONAL MARINE FISHERIES SERVICE

214. CIVIL PROCEDURES

Legal Authority: 15 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act; 16 USC 773 et seq Northern Pacific Halibut Act of 1982

CFR Citation: 15 CFR 904

Abstract: The existing regulations (15 CFR 904) provide uniform procedures for enforcement and civil proceedings under the various fishery and marine resource statutes administered by NOAA. The regulations are being revised to consolidate all aspects of NOAA's civil process which can be uniformly treated. The revised regulations will provide uniform permit processing procedures and sanction procedures; means of addressing the respondent's ability to pay in civil penalty proceedings; procedures for issuance and appeal of written warnings, summary forfeitures, and for selling seized perishable fish. The revisions will clarify for the public the procedures which NOAA follows in carrying out its enforcement responsibilities. The amendments thus are beneficial rather than burdensome to the public. These procedural regulations will not increase costs to the public or local governments. Nor will they have a significant adverse effect on competition, employment or industry. The alternative of not further consolidating the procedures was considered and rejected. There is no alternative to making the updating and housekeeping portions of the amendments.

Timetable:

Action	Date	FR Cite
NPRM Revising Interim Final Rule	10/31/84	
Beg. Comment Period on NPRM	10/31/84	
End Comment Period on NPRM	12/31/84	
Interim Final Rule	04/01/85	50 FR 12781
Final Action	12/01/85	
Final Action Effective	01/01/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: **Margaret H. Frailey**, Asst. General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement and Litigation, 3300 Whitehaven Street, NW, Room 533, Washington, DC 20235, **202 254-8350**

RIN: 0648–AA26

215. DESIGNATED CRITICAL HABITAT; HAWAIIAN MONK SEAL

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 226.11

Abstract: Designation of Critical Habitat is conducted pursuant to the Endangered Species Act of 1973, as amended. Critical Habitat is that area within (or outside) the geographic range of the animal wherein are found those physical and/or biological features essential for the conservation of the species and which may require special management considerations. The objective is to protect the Hawaiian Monk Seal.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 01089
NPRM Comment Period Begin	01/09/85	50 FR 01089
NPRM Comment Period End	03/11/85	
Final Action	12/00/85	
Final Action Effective	01/00/86	

Small Entity: Undetermined

Additional Information: A supplemental environmental impact statement is available for public review. It has been determined that this is not a major rule under E.O. 12291, therefore no RIA is required, and that this rule will not have a significant economic impact on a substantial number of small entities, therefore no RFA is required.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: **Charles Fullerton**, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731, **213 548-2575**

RIN: 0648–AA27

216. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 603

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Final Action	12/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: B. G. Thompson, Acting Chief, Fisheries Statistics Program, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Data & Information Management, NMFS, Washington, DC 20235, **202 634-7366**

RIN: 0648–AA38

217. GENERAL AND RECREATIONAL FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.1 to 611.98

Abstract: The regulations will be amended to revise the general regulations governing foreign fishing within the fishery conservation zone (FCZ). The action is necessary because the regulations no longer reflect current practice in the fisheries; they are not deterring illegal actions, and are disjointed, contradictory and difficult to use. The revision is intended to make the regulations consistent with current practices in the fisheries, reduce illegal fishing and simplify and improve the utility of the regulations. The revision reorganizes almost every section of the two affected subparts. Additional definitions are added, including one for recreational fishing which would exempt foreign recreational fishing vessels from permit requirements. Obsolete material is deleted. Reports required for foreign fishing vessels are revised. Additional requirements for facilitation are added. Recordkeeping requirements are revised and requirements for joint ventures are specified.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50498
NPRM Comment Period Begin	12/28/84	49 FR 50498
Final Action	09/15/85	
Final Action Effective	01/11/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, Fees, Permits, & Regulations Division, NMFS, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-7432**

RIN: 0648–AA40

218. PREEMPTION OF STATE AUTHORITY UNDER SECTION 306(B) OF THE MAGNUSON FISHERY CONSERVATION & MANAGEMENT ACT

Legal Authority: 16 USC 1856 Sec 306, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 619

Abstract: The regulations interpret certain statutory terms applicable to, and establish procedures governing, formal adjudicatory hearings to be held before the Secretary of Commerce can apply Federal fishery regulations to certain waters within State boundaries. Section 306(b) of the Magnuson Fishery Conservation and Management Act authorizes the Secretary of Commerce to regulate a fishery within State boundaries in certain circumstances. Before the Secretary is authorized to do so, he must make certain findings after providing an opportunity for a formal adjudicatory hearing. The regulations apprise affected parties of the procedures to be followed at such a hearing and also of the types of information to be scrutinized that is relevant to the findings to be made.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/22/82	47 FR 12181
Final Action	10/01/85	
Final Action Effective	11/01/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Wendy Raymont, Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven St., NW, Page Bldg. 2, Room 404, Washington, DC 20235, **202 634-4224**

RIN: 0648–AA41

219. INTERAGENCY COOPERATION - ENDANGERED SPECIES ACT OF 1973, AS AMENDED

Significance: Regulatory Program

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 402

Abstract: The regulations will update existing regulations pursuant to the 1978, 1979 and 1982 amendments to the Endangered Species Act. The revisions will explain, organize, and simplify the consultation process required by Section 7 of the Act, and will be published jointly with the U.S. Fish and Wildlife Service.

Timetable:

Action	Date	FR Cite
NPRM	06/29/83	48 FR 29990
NPRM Comment Period Begin	06/29/83	48 FR 29990
NPRM Comment Period End	08/29/83	
Final Action	12/00/85	
Final Action Effective	01/00/86	

Small Entity: No

Additional Information: The Department of the Interior, as lead agency in the development of the regulations, has prepared a draft

environmental assessment. A determination will be made at the time of the final rule as to whether this is a major Federal action within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. It has been determined that the regulations will not constitute a major rule under EO 12291 and will not have a significant economic impact on a substantial number of small entities under the terms of the Regulatory Flexibility Act.

Affected Sectors: 951 Administration of Environmental Quality Programs

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: Charles Karnella, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species, and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7471**

RIN: 0648-AA43

220. U.S. STANDARDS FOR GRADES OF FISH STEAKS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 262A

Abstract: The interim rule would establish a voluntary standards system to classify fish steaks by quality into four categories - U.S. Grade A, B, C, and Substandard. The objective is to facilitate trade in fish steaks classified by quality thereby benefiting the consumer and the industry. The standards would be used in a voluntary program of fishery products inspection and certification by NMFS. The total value of the industry product in 1981 was $19 million. Industry has expressed a high level of interest in and support for the voluntary standards. The timetable for this action is very tentative. Further research will be needed before the rule is published.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, **202 634-7458**

RIN: 0648-AA44

221. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A; 50 CFR 264B; 50 CFR 264C; 50 CFR 264D; 50 CFR 264E; 50 CFR 264F; 50 CFR 264G

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions. The timetable for this action is very tentative. Further research will be needed before the rule is published.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, **202 634-7458**

RIN: 0648-AA46

222. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories -- U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards. Timetable for next action is very tentative. Public comments received indicate a need for further research before the rule is published.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period Begin	05/20/82	47 FR 21840
Interim Final Rule	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 634-7458

RIN: 0648-AA47

223. MARKING REQUIREMENTS FOR THE IMPORTATION, EXPORTATION, & INTERSTATE TRANSPORTATION OF FISH OR WILDLIFE

Significance: Regulatory Program

Legal Authority: 16 USC 3371 to 3375 Lacey Act Amendments of 1981

CFR Citation: 50 CFR 14.81 to 14.83

Abstract: These regulations will enable NOAA to monitor interstate and foreign commerce in fish and fishery products, for the purpose of detecting violations of Federal, state and foreign laws. The regulations will conform to current industry practices.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
Final Action	11/01/85	

Small Entity: No

Additional Information: The regulations will be issued jointly with the Department of the Interior. Neither an RIA nor an RFA is required.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Steven C. Springer, Special Agent In Charge, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement Div., NMFS, Washington, DC 20235, 202 634-7265

RIN: 0648-AA53

224. TANNER CRAB FISHERY MANAGEMENT PLAN (FMP) - REGULATORY AMENDMENT TO CHANGE POT STORAGE AREAS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 671

Abstract: This regulatory amendment would modify crab pot storage in the Eastern Bering Sea and Gulf of Alaska. Changes are needed to establish new shallow water areas to store domestic Tanner crab pots during closed seasons around the Pribilof Islands, and to prevent preemption of productive fishing grounds for other species.

Timetable:

Action	Date	FR Cite
NPRM	12/02/83	48 FR 54383
NPRM Comment Period Begin	12/02/83	48 FR 54383
NPRM Comment Period End	01/16/84	
Final Action	11/01/85	
Final Action Effective	12/01/85	

Small Entity: Yes

Additional Information: An environmental assessment was prepared which includes a socioeconomic analysis upon which the determinations of non-major under EO 12291 and non-significant under the Regulatory Flexibility Act were made. The environmental assessment is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Environmental assessment 12/02/83 (48 FR 54383)

Agency Contact: Mr. Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AA71

225. U.S. STANDARDS FOR GRADES OF FRESH OR FROZEN NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 267, (New)

Abstract: This proposed standard will establish a voluntary standards system to identify various products made from North American Freshwater Catfish and to grade these products A, B, C and Substandard. The objective of the standard is to facilitate trade in these products thereby benefiting the consumer. The standard will be used by NMFS in the voluntary program of fishery products inspection and certification. Industry has expressed strong support for these voluntary standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/84	49 FR 27514
Final Action	01/06/86	
Final Action Effective	02/06/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 027 Animal Specialties; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, DC 20235, 202 634-7458

RIN: 0648-AA73

226. TAKING OF MARINE MAMMALS INCIDENTAL TO SPACE SHUTTLE LAUNCHES

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 228.20 to 228.29, (New)

Abstract: Based on request from the Air Force, the NMFS will propose regulations which would allow a small number of marine mammals to be incidentally taken as a result of sonic booms from space shuttle launches from Vandenberg Air Force Base, California. Section 101 (a)(5) of the Marine Mammal Protection Act provides for allowing the taking of small numbers of marine mammals incidental to specified activities

provided that certain findings can be made and regulations are established which set forth permissible methods of taking, and requirements for monitoring and reporting.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19098
ANPRM Comment Period Begin	05/04/84	
ANPRM Comment Period End	07/03/84	
NPRM	08/01/85	50 FR 31200
NPRM Comment Period Begin	08/01/85	50 FR 31200
NPRM Comment Period End	09/30/85	
Final Action	01/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. An environmental assessment is being prepared.

Affected Sectors: 966 Space Research and Technology

Government Levels Affected: Federal

Analysis: See additional information.

Agency Contact: R. B. Brumsted, Acting Chief, Protected Species Division, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Of. of Protected Species & Habitat Conserv., Washington, DC 20235, 202 634-7529

RIN: 0648-AA84

227. AMENDMENT TO THE FISHERY MANAGEMENT PLAN (FMP) FOR ATLANTIC SEA SCALLOPS TO ENSURE BETTER CONSERVATION OF THE SCALLOP RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 650

Abstract: New England Fishery Management Council has prepared an amendment to the FMP for Atlantic Sea Scallops. With the current low scallop abundance and poor recruitment prospects, the present FMP does not appear to be providing the degree of resource protection anticipated by the Council. If the resource is to be conserved for the benefit of the industry and public, revised management measures are needed to ensure that incoming recruitment to the fishery, when and if it occurs, be better protected. The proposed measure will be a minimum individual meat size, rather than the present average minimum meat count. The ten smallest scallops in a one pint sample must weigh at least 4 ounces. The valuable Atlantic sea scallop resource is capable of yielding 100 million dollars annually, and requires additional protection.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	
NPRM Comment Period Begin	08/13/85	
NPRM Comment Period End	09/27/85	
Final Action	11/01/85	
Final Action Effective	12/01/85	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Actg. Regional Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AA97

228. FINAL RULE IMPLEMENTING THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 651

Abstract: The New England Fishery Management Council is developing a comprehensive, long-term, groundfish plan to cover all of the important groundfish species caught in the New England trawl fishery. This plan, termed the Northeast Multispecies Fishery Management Plan (FMP) is intended to replace the present "Interim Fishery Management Plan for Atlantic Groundfish" which has regulated fishing for cod, haddock, and yellowtail flounder since 1982. The Northeast Multispecies FMP will take into account the fact that many different groundfish species are taken together in the same trawl, and that the mix of species changes on a trip and seasonal basis. The chief management measures include minimum fish sizes, minimum net mesh sizes, seasonal closures of specific areas, & exempted fish areas where smaller net mesh sizes can be used for fish species other than groundfish. The conservation focus is on maintenance of a min. stock abundance size which reasonably protects against recruitment failure; emphasis is on min. regulatory intervention or restriction on fishing options.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	11/14/85	
Final Action	12/19/85	
Final Action Effective	01/18/86	

Small Entity: Undetermined

Additional Information: An RIA is not required and will not be prepared. An RFA, a regulatory impact review, an Environmental Impact Statement, and the FMP will be available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Reg. Impact Review/RFA/EIS 02/06/85

Agency Contact: Richard Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB05

229. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; DEFINITION OF COMMERCIAL FISHING OPERATION

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.3

Abstract: It is proposed to modify the definition of "commercial fishing operation" to include commercial passenger fishing vessels (party boats) under that definition. This modification

would allow party boat owners and operators to apply for general permits and certificates of inclusion which allow the incidental taking of marine mammals during fishing operations. Under the Marine Mammal Protection Act, no marine mammals may be taken in the course of fishing operations unless permits and certificates have been obtained and until now, party boats were excluded from obtaining permits and certificates. Therefore, they were unable to protect the catch and gear of their paid passengers from depredations. Modification of definition should improve fishing conditions and result in increased revenue. Potential total costs to applicants are estimated at $450. Cost per applicant is estimated at $2.50.

Timetable:

Action	Date	FR Cite
ANPRM	12/15/83	48 FR 55755
ANPRM Comment Period Begin	12/15/83	
ANPRM Comment Period End	01/31/84	
NPRM	01/30/85	50 FR 04244
NPRM Comment Period Begin	01/30/85	50 FR 04244
NPRM Comment Period End	03/18/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: It has been determined that the proposed regulation (1) is a non-major Federal action under NEPA and an Environmental Assessment has been prepared and released to general public; (2) will not constitute a major rule under E.O. 12291 and thus does not require a R.I.A. and (3) will not have a significant impact on a substantial number of small entities and thus does not require a Regulatory Flexibility Analysis.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: K. R. Hollingshead, Marine Resources Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235, 202 634-7529

RIN: 0648-AB07

230. REGIONAL FISHERY MANAGEMENT COUNCILS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 601

Abstract: Revision of regulatory guidance with regard to the operations of the Regional Fishery Management Councils is being considered to conform with new legislation and administration regulatory policy. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Loretta Williams, Fishery Management Assistant, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, 202 634-7218

RIN: 0648-AB09

231. SWORDFISH FISHERY MANAGEMENT PLAN: PROPOSED REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 630

Abstract: The Plan proposes time, area and quota restrictions on foreign fishing to minimize the bycatch of swordfish. American fishermen would be controlled by time, area or size restrictions (variable season closure). Data collection will be by onboard technicians carried on a random stratified sample of trips.

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	50 FR 23159
NPRM Comment Period Begin	05/31/85	50 FR 23159
NPRM Comment Period End	07/12/85	
Final Action	08/16/85	
Final Action Effective	09/15/85	

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Draft RFA 05/01/85; Regulatory Impact Review 05/01/85

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 983-3141

RIN: 0648-AB13

232. COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC: IMPLEMENTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 642

Abstract: Amendment 1 to the plan would revise the implementing regulation to modify management of king mackerel. The resource is divided into Gulf and South Atlantic Migratory Groups. For each group an annual total allowable catch is determined that is allocated among recreational and commercial fishermen. A portion of the commercial quota is allocated to the purse seine fishery. Annual permits are required for vessels fishing the Gulf group. When a commercial quota is attained, commercial fishing must cease for that group. Recreational quotas will be controlled by a bag limit on charter and private boats of 2 fish per person per trip.

Timetable:

Action	Date	FR Cite
NPRM	06/10/85	50 FR 24242
NPRM Comment Period Begin	06/10/85	50 FR 24242
NPRM Comment Period End	07/20/85	
Final Action	08/23/85	
Final Action Effective	09/22/85	

Small Entity: Yes

Additional Information: A RIA is not required and will not be prepared. A RIR/RFA will be available in March 1985.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Draft RFA 03/15/85; Regulatory Impact Review 03/15/85

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 983-3141

RIN: 0648-AB15

233. AMENDMENT NO. 3 FOR THE SPINY LOBSTER FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 681

Abstract: This amendment will redefine legal-sized spiny lobsters and remove the present 15 percent tolerance in catches as sublegal spiny lobsters taken in the spiny lobster fishery.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	
NPRM Comment Period Begin	08/20/85	
NPRM Comment Period End	10/04/85	
Final Action	11/08/85	
Final Action Effective	12/08/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 07/09/85

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731, 213 548-2575

RIN: 0648-AB21

234. FOREIGN FISHING - SCIENTIFIC RESEARCH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.14

Abstract: The action would revise the scientific research provisions of the foreign fishing regulations. The action is necessary to bring the regulations into compliance with current policy on scientific research and clarify what foreign vessels may be considered scientific research vessels while conducting activities which might otherwise be considered fishing.

Timetable:

Action	Date	FR Cite
NPRM	09/15/85	
NPRM Comment Period Begin	09/15/85	
NPRM Comment Period End	10/15/85	
Final Action	11/30/85	
Final Action Effective	01/11/86	

Small Entity: No

Additional Information: This action is related to RIN 0648-AA40 General and Recreational Foreign Fishing

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, 202 634-7432

RIN: 0648-AB23

235. NOTICE OF THE NATIONAL MARINE FISHERIES SERVICE'S PROPOSED POLICIES FOR THE MANAGEMENT OF INTERJURISDICTIONAL FISHERIES AND FISHERY RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 661 et seq

CFR Citation: Not yet determined

Abstract: The policies are to guide Federal participation in, and support of, interjurisdictional fisheries management by defining the Federal role, proposing general management objectives, and identifying means of implementation. These policies are needed to: (1) provide a framework for more effective management planning and other actions concerning interjurisdictional fisheries and fishery resources; (2) develop a broad awareness of the shared State & Federal responsibilities, and benefits of, long-term management of these fisheries and resources; (3) promote consistent conservation & management throughout the entire range of interjurisdictional fisheries and resources; and (4) establish specific & effective means of resolving jurisdictional differences which interfere with effective fisheries management. It is expected that these policies will result in closer cooperations between State and Federal government agencies responsible for interjurisdictional fisheries programs.

Timetable:

Action	Date	FR Cite
NPRM	09/06/85	
NPRM Comment Period Begin	09/06/85	
NPRM Comment Period End	11/04/85	
Final Action	12/31/85	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Richard B. Roe, Dir. Off. of Resource Conser & Management, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven St. NW, Washington, DC 20235, 202 634-7218

RIN: 0648-AB24

236. STRIPED BASS FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: Not yet determined

Abstract: The Mid-Atlantic Fishery Management Council will prepare a fishery management plan (FMP) for the Atlantic coast migratory stock of striped bass. The drastic 10-year decline of commercial and recreational landings of striped bass indicates the need for protective management measures for territorial waters and the fishery conservation zone (FCZ). The territorial waters will be managed by the Interstate Striped Bass Plan of the Atlantic States Marine Fisheries Commission, while the FCZ needs management with compatible measures through the striped bass FMP. Proposed management measures include a minimum fish size limit, a maximum fish size limit and prohibition of taking striped bass in the FCZ on a seasonal closure basis.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	
NPRM Comment Period Begin	12/01/85	
NPRM Comment Period End	01/14/86	
Final Action	02/18/86	
Final Action Effective	03/20/86	

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Draft RFA 09/00/85; Regulatory Impact Review 09/00/85

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648–AB25

237. SHALLOW-WATER REEFFISH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 669

Abstract: The Caribbean Fishery Management Council has prepared a Fishery Management Plan (FMP) for shallow-water reeffish of Puerto Rico and the U.S. Virgin Islands. A fishery for various species of snappers, groupers, grunts, porgies, goatfishes, and other edible reeffish using fish traps exists in the territorial waters of Puerto Rico and the U.S. Virgin Islands and the fishery conservation zone. These states have agreed to adopt compatible regulations with those developed by the FMP. Declining catch per unit effort for the reeffish fishery indicates that management measures are necessary to maximize spawning potential and prevent overfishing. Within a 2-3 yr. period after implementation, benefits are predicted to outweigh costs for proposed regulations concerning minimum fish sizes for yellowtail snapper and Nassau grouper. The proposed minimum mesh size for fish traps will allow some juvenile stages of most reeffishes to escape the gear & optimize the size of goatfish which are retained.

Timetable:

Action	Date	FR Cite
NPRM	06/10/85	50 FR 24251
NPRM Comment Period Begin	06/10/85	50 FR 24251
NPRM Comment Period End	07/20/85	
Final Action	08/23/85	
Final Action Effective	09/22/85	

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FSER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AB26

238. FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: Not yet determined

Abstract: The FMP will establish framework measures for the bottomfish/groundfish resources within the FCZ off American Samoa, Guam and Hawaii. This FMP would achieve optimum yield preventing stock reductions that would cause instability in the production and market supply of fresh bottomfish, proposes to collect the data necessary to monitor the fishery and would promote an expanded domestic harvest of underutilized bottomfish/groundfish resources in an orderly manner.

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	
NPRM Comment Period Begin	08/01/86	
NPRM Comment Period End	10/01/86	

Small Entity: Undetermined

Additional Information: A RIA is not required and will not be prepared. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 03/25/86

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FSWR, 300 S. Ferry St., Terminal Island, CA 90731, **213 548-2575**

RIN: 0648–AB27

239. ● FINANCIAL ASSISTANCE FOR RESEARCH AND DEVELOPMENT PROJECTS TO STRENGTHEN AND DEVELOP THE U.S. FISHING INDUSTRY - NOTICE OF FUNDS AVAILABILITY

Legal Authority: 15 USC 713(c) Saltonstall-Kennedy Act

CFR Citation: Not yet determined

Abstract: To provide for an annual solicitation of proposals to compete for fisheries development, utilization research and demonstration grants. No alternative to a competitive process for making awards is being considered. It is anticipated that in FY1986, approximately $10 million in grant funds will be made available, representing about 70% of total project costs. Direct costs include required matching funds of about 30% of total project costs or $4 million. Actual costs and benefits associated with this action are not quantifiable at this time.

Timetable:

Action	Date	FR Cite
Final Action	12/01/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1984

Government Levels Affected: Federal

Agency Contact: Phyllis Bentz, Program Leader, S-K Program Administration, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Industry Development Division, Washington, DC 20235, 202 634-7451

RIN: 0648–AB28

240. FISHERY MANAGEMENT PLAN FOR BLUEFISH

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Abstract: The FMP will control the level of fishing in order to prevent the decline of this valuable recreational and commercial species. The FMP, which was disapproved on 9/7/84, will be revised.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	01/00/86	
Final Action	02/00/86	
Final Action Effective	03/00/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648–AB29

241. DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR SUMMER FLOUNDER

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Abstract: Summer flounder is seasonably vulnerable to very large and varied commercial and recreational fisheries. Landings have declined in recent years and there is concern that overfishing may occur. The summer flounder crosses Council and Regional boundaries necessitating close coordination between the constituent agencies. The long-term benefits of higher production and revenue to the fishermen and processors are expected to outweigh any short-term limitations on catches in order to rebuild the stocks. Rebuilding the stocks to the maximum level, the efficiency of the fleet will improve as catches per unit of effort will correspondingly rise.

Timetable:

Action	Date	FR Cite
NPRM	01/01/86	
NPRM Comment Period Begin	01/01/86	
NPRM Comment Period End	02/16/86	
Final Action	03/21/86	
Final Action Effective	04/21/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St. FNER, Gloucester, MA 01930, 617 281-3600

RIN: 0648–AB30

242. FISHERY MANAGEMENT PLAN FOR SAND EEL

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Abstract: An FMP will be prepared to address the problem of an expanding trawl fishery for sand eel in the Northeast which threatens to reduce the abundance of this important food source for traditional commercial and recreational species.

Timetable:

Action	Date	FR Cite
NPRM	03/01/86	
NPRM Comment Period Begin	03/01/86	
NPRM Comment Period End	04/14/86	
Final Action	05/19/86	
Final Action Effective	06/18/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648–AB31

243. AMENDMENT #1 TO AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 649

Abstract: Amendment #1 to the American Lobster Fishery Management Plan has been proposed to incorporate

gear marking requirements. Mandatory reporting of fixed gear is not part of the amendment. The proposed gear marking would allow fishermen that are harvesting species other than lobster with moving gear such as an otter trawl to avoid entanglement with lobster traps which are fixed gear. Amendment 1 also proposes an exemption to the lobster trap vent requirement for those fishermen with a directed fishery for black sea bass in the area south of Burnegat Light shoreward of the 30 fathom curve. Finally this amend. provides authority for the Reg. Director to allow exemptions with the concurrence of the New England Fishery Management Council to any specific provisions for the lobster FMP for the purpose of research beneficial to the lobster resource and fishery.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
NPRM Comment Period Begin	09/30/85	
NPRM Comment Period End	11/13/85	
Final Action	12/18/85	
Final Action Effective	01/17/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB32

244. ATLANTIC BILLFISHES AND SHARKS - FOREIGN FISHING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611

Abstract: Amends foreign fishing regulations to provide means to adjust seasonal closures affecting foreign longline fishermen to reduce conflicts with domestic fishermen and foreign incidental catches of billfishes.

Timetable:

Action	Date	FR Cite
NPRM	09/05/85	
NPRM Comment Period Begin	09/05/85	
NPRM Comment Period End	10/04/85	
Final Action	12/15/85	
Final Action Effective	01/02/86	

Small Entity: Undetermined

Agency Contact: Carmen J. Blondin, Deputy Assistant Admin. for Fishery Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, 202 634-7514

RIN: 0648-AB33

245. SOUTH ATLANTIC SHRIMP FISHERY: IMPLEMENTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 643

Abstract: Problems are overcapitalization of shrimp fishing vessels, conservation of shrimp spawning stocks, and inconsistency of State management. Alternatives are continuing with management by each State (no action), limited entry to transfer surplus capital from the fishery, cooperative Federal/State restrictions on fishing on spawning stocks, consistency of State fishing regulations (seasons, areas), improved data collection and analysis on a regional basis and gear modifications that could conserve threatened sea turtles that are incidental catch in shrimp trawls.

Timetable:

Action	Date	FR Cite
NPRM	03/20/86	
NPRM Comment Period Begin	03/20/86	
NPRM Comment Period End	04/18/86	
Final Action	06/08/86	
Final Action Effective	07/07/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FSER, 9450 Koger Blvd., St. Petersburg, FL 33702, 206 526-6150

RIN: 0648-AB35

246. ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES: IMPLEMENTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Fishery Conser & Management Act

CFR Citation: 50 CFR 652

Abstract: Amends the regulations governing the harvest of surf clams from Georges Bank. Establishes an optimum yield of 25,000 to 300,000 bushels and a western boundary at 69 degrees longitude. Adds a provision that Mid-Atlantic surf clam vessels may land clams only once during an authorized fishing period.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16326
NPRM Comment Period Begin	04/25/85	50 FR 16326
NPRM Comment Period End	05/26/85	
Final Action	08/09/85	
Final Action Effective	09/08/85	

Small Entity: No

Additional Information: An RIA will not be required and will not be prepared. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 04/30/85

Agency Contact: Richard H. Shaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, Federal Bldg., 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB36

247. ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES: IMPLEMENTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 655; 50 CFR 611

Abstract: The Fishery Management Plan for Atlantic Mackerel, Squid and Butterfish Fisheries and its implementing regulations expire on March 31, 1986, and must be extended to continue the management regime governing the harvest of these species by domestic and foreign fishermen. Alternatives are being considered for the mackerel fishery to condition direct foreign fishing on the purchase of U.S. processed mackerel and for the butterfish fishery to reduce the harvest of small butterfish by various gear modifications.

Timetable:

Action	Date	FR Cite
NPRM	01/11/86	
NPRM Comment Period Begin	01/11/86	
NPRM Comment Period End	02/10/86	
Final Action	04/01/86	
Final Action Effective	04/01/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Acting Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St. Federal Bldg., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB37

248. AMENDMENT 10 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN (FMP)

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 671

Abstract: An amendment to the existing Tanner crab fishery management plan to expand the Alaska Regional Director's field order authority to adjust harvest levels and seasons. A similar proposal contained in Amendment 9 was disapproved by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	06/15/86	
NPRM Comment Period Begin	06/15/86	
NPRM Comment Period End	08/01/86	
Final Action	11/01/86	
Final Action Effective	12/01/86	

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Draft RFA 06/01/85; Regulatory Impact Review 06/01/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668 FAKR, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB38

249. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - REDEFINE SABLEFISH MANAGEMENT BOUNDARIES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will redefine the management boundaries in the sablefish fishery throughout the Gulf of Alaska.

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	
NPRM Comment Period Begin	08/01/86	
NPRM Comment Period End	10/01/86	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 05/07/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB39

250. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Abstract: Amendment to the Gulf of Alaska Groundfish Fishery Management Plan prohibits retention of any groundfish species when the optimum yield for that species has been reached and establishes prohibited species catch limits for sablefish, Pacific ocean perch and other rockfish.

Timetable:

Action	Date	FR Cite
NPRM	10/08/85	
NPRM Comment Period Begin	10/08/85	
NPRM Comment Period End	11/22/85	
Final Action	12/27/85	
Final Action Effective	01/26/86	

Small Entity: Undetermined

Additional Information: A RIA is not required. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 05/27/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB40

251. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - CLOSE FCZ INTRUSION INTO STATE WATERS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will implement the intent of current legislation that refers to the State of Alaska management of groundfish in Federal waters that intrude into the intercoastal waters of southeastern Alaska.

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	
NPRM Comment Period Begin	08/01/86	
NPRM Comment Period End	10/01/86	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Review 04/30/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB41

252. REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 674

Abstract: A mandatory reporting requirement for fishing vessel operators who harvest salmon in the fishery conservation zone (FCZ) off Alaska and who sell, transfer, or deliver salmon in the FCZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer, or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
Interim Rule and request for comments pub.	07/23/84	49 FR 29611
Interim Rule expired	01/23/85	49 FR 29611
Final Action	09/00/85	

Small Entity: No

Additional Information: This rule contains a collection of information requirements subject to the Paperwork Reduction Act, which has been approved as OMB control number 0648-0016.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB44

253. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas often other nations fishing in a similar manner that export tuna to the U.S. do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species & Habitat Conservation, NMFS, Washington, DC 20235, 202 634-7529

RIN: 0648-AB46

254. ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222.22

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal establishes a mechanism whereby non-Federal entities whose actions may affect certain endangered marine species

under the jurisdiction of the Secretary of Commerce, may receive permits allowing the incidental taking of such species, provided the takings will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. The proposal applies only to those private individuals/entities or local or State governments faced with having otherwise lawful actions not subject to Federal involvement or control, prevented by prohibitions against taking. Under the ESA, the taking of endangered species is prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under these regulations will allow commercial shrimp fishermen, recreational fishermen and others to conduct their activities without risk of prosecution for incidentally taking species covered under these provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	01/00/86	

Small Entity: Undetermined

Additional Information: Potential cost to applicants is estimated at 2500. Cost per applicant is estimated at $10. Each applicant will be required to submit a conservation plan as part of the permit process. As part of their conservation plan, fishermen will have the option of voluntary use of the Trawling Efficiency Device which allows trapped sea turtles to escape from fishing nets. Selection of this option will result in an additional cost of approximately $400 per Device. NEPA, E.O. 12291 and RFA determinations have not been undertaken.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia A. Carter, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7471**

RIN: 0648-AB47

255. THREATENED FISH AND WILDLIFE; GUADALUPE FUR SEAL

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 227.4; 50 CFR 227.11, (New); 50 CFR 227.71

Abstract: Regulations are proposed to list and protect the Guadalupe fur seal (Arctocephalus townsendi) under the Endangered Species Act of 1973. No critical habitat is proposed. In response to a petition, the NMFS conducted a review of the status of the species and determined that it should be listed as a threatened species.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04804
ANPRM Comment Period Begin	02/08/84	49 FR 04804
ANPRM Comment Period End	04/10/84	
NPRM	01/03/85	50 FR 00294
NPRM Comment Period Begin	01/03/85	50 FR 00294
NPRM Comment Period End	03/04/85	
Final Action	09/00/85	
Final Action Effective	10/00/85	

Small Entity: Not Applicable

Additional Information: The Endangered Species Act requires that decisions on listings be made solely on the basis of the best scientific and commercial data available regarding a species status. Based upon this limitation of criteria for a listing decision, the NMFS has determined that the requirements of the National Environmental Policy Act, E.O. 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act do not apply.

Affected Sectors: 138 Oil and Gas Field Services; 966 Space Research and Technology

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia A. Montanio, Fishery Biologist, Protected Species Div., Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species & Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648-AB48

256. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; TECHNICAL AMENDMENT

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672; 50 CFR 674

Abstract: As required under P.L. 98-623, NOAA issues a technical amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	
Final Action Effective	12/00/85	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Marilyn Luipold, Attorney Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service GCF, 3300 Whitehaven St. NW, Washington, DC 20235, **202 634-4224**

RIN: 0648-AB51

257. AMENDMENT 9 TO THE BERING SEA/ALEUTIAN ISLANDS GROUNDFISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 675

Abstract: Amendment 9 to the Fishery Management Plan for the Bering Sea/Aleutian Islands Groundfish Fishery was proposed by the North Pacific Fishery Management Council to ban foreign trawling within 20 miles of the Aleutian Islands in order to reduce bycatches of species fully utilized by U.S. fishermen and to eliminate gear conflicts with longliners in this area. The amendment will also require reporting by catcher/processor vessels to provide NMFS with more timely catch information necessary for adequate inseason management. NMFS

habitat conservation policy is also implemented by Amendment 9.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	
NPRM Comment Period Begin	08/13/85	
NPRM Comment Period End	09/27/85	
Final Action	11/01/85	
Final Action Effective	12/01/85	

Small Entity: Undetermined

Additional Information: Amendment 8 to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan - RIN 0648-AB45 was incorporated into this Amendment 9.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB52

258. AMENDMENT 11 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN (FMP)

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 671

Abstract: An amendment to the existing Tanner crab fishery management plan and regulations to close fishery conservation zone intrusions into State of Alaska waters. Boundary changes are proposed so that these areas of intrusion fall under State management.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	
NPRM Comment Period Begin	07/01/86	
NPRM Comment Period End	08/15/86	
Final Action	11/01/86	
Final Action Effective	12/01/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB53

259. AMENDMENT TO AMERICAN LOBSTER FISHERY MANAGEMENT PLAN - V-NOTCH ON FEMALE LOBSTERS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 649

Abstract: An amendment to the American Lobster Fishery Management Plan has been proposed to place a three-year moratorium on the taking or possession of V-notched lobsters (markings made on adult female lobsters by commercial fishermen). The purpose of the amendment is to return females that are bearing eggs or have previously carried eggs so as to enhance recruitments.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/85	
NPRM	10/01/85	
ANPRM Comment Period Begin	10/31/85	
NPRM Comment Period Begin	10/31/85	
ANPRM Comment Period End	12/15/85	
NPRM Comment Period End	12/15/85	
Final Action	01/19/86	
Final Action Effective	02/18/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB54

260. ● FISHERY MANAGEMENT PLAN FOR PACIFIC BILLFISH FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Abstract: The FMP proposes a conservation and management program for harvesting billfish, mahimahi, wahoo and oceanic sharks in the U.S. ECZ of the central and western Pacific ocean. The FMP presents management measures and reporting requirements to regulate the take of billfish, mahimahi, wahoo and oceanic sharks by foreign fishing vessels in the ECZ surrounding Hawaii, Guam, American Samoa, and U.S. Island possessions in the Pacific ocean. Other than proposing to prohibit the use of drift gillnet gear, the FMP does not propose controls on the catches of billfish and associated species by domestic fishing vessels, but proposes the strengthening of State and Territorial reporting requirements and data collection and sampling activities to better monitor domestic participation in the domestic fisheries for billfish and associated species.

Timetable:

Action	Date	FR Cite
NPRM	02/11/86	
NPRM Comment Period Begin	02/11/86	
NPRM Comment Period End	03/28/86	
Final Action	05/02/86	
Final Action Effective	06/01/86	

Small Entity: Undetermined

Additional Information: An RIR will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry St., Terminal Island, CA 90731, 213 548-2575

RIN: 0648-AB61

261. ● FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1986

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611.12

Abstract: This rule will set poundage and permit fees for foreign fishing in 1986.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
NPRM Comment Period Begin	09/30/85	
NPRM Comment Period End	10/30/85	
Final Action	12/15/85	
Final Action Effective	01/02/86	

Small Entity: No

Additional Information: An RIA is not required. A regulatory/impact review will be prepared and available September 1985.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, 202 634-7432

RIN: 0648-AB62

262. ● INITIAL IMPLEMENTATION OF KING CRAB FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 676

Abstract: Notice of approval specifying the laws and regulations of the State of Alaska governing fishing for king crab in the Bering Sea and Aleutian Islands area, which are found by the Secretary of Commerce to be consistent with the FMP, will initially implement the king crab FMP.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	
NPRM Comment Period Begin	11/01/85	
NPRM Comment Period End	12/15/85	
Final Action	02/01/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB63

263. ● STUDY OF FISHERY MANAGEMENT

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: Not yet determined

Abstract: The Fishery Management Study will evaluate methods and associated institutional arrangements required to carry out fishery management in the United States to recommend changes to this system when needed, and to seek ways to reduce Federal regulatory burdens and costs of fisheries management. It will focus on fundamentals such as the results we expect from management, whether the proper institutional arrangements are in place, the appropriate State and Federal roles, and on ways to reduce costs and regulatory burdens while maintaining effective research and enforcement efforts. The study report should be completed by June 1986 so that its recommendations can be reflected in NOAA's position in the 1987 Magnuson Act reauthorization.

The announcement of the study has been published in the Commerce Business Daily with the RFP to be available on August 2, 1985. Proposals are due by September 1, 1985. A contract should be awarded by September 30.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John T. Everett, Chief, Policy and Planning Staff, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-7430

RIN: 0648-AB65

264. ● AMENDMENT 14 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE GULF OF ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Abstract: The measures proposed in the amendment will (1) establish Central Southeast Outside District within existing Southeast Outside District to better manage demersal shelf rockfish which are part of the other rockfish category and which have a harvest limit of 600 mt; (2) implement harvest OYs for pollock, Pacific ocean perch, other rockfish, Atka mackerel & other species; (3) establish requirement for all U.S. catcher/processing vessels that hold their catch for more than 2 wks. to provide weekly catch reports & check in & check out of regulatory areas; (4) give AK Reg. Dir. authority to allow fisheries that do not take halibut to continue to operate in areas where halibut bycatch limits have been reached; (5) incorporate NMFS habitat policy into Gulf of AK groundfish FMP which gives the N. Pacific Fishery Management Council authority to protect marine environment; (6) change opening date of pot and hookline sablefish fishery to April 1 in all regulatory areas; allocate sablefish among pot hook and line and trawl fishermen and gradually reduce pot fishermen's allocation to zero over several years.

Timetable:

Action	Date	FR Cite
NPRM	07/24/85	50 FR 30481
NPRM Comment Period Begin	07/24/85	50 FR 30481
NPRM Comment Period End	09/07/85	

Final Action	10/11/85
Final Action Effective	11/10/85

Small Entity: Yes

Additional Information: This action combines RIN 0648-AB18 "Amendment to the Gulf of Alaska Groundfish Fishery Management Plan-Control Sablefish Fishing off Southeast Alaska"; RIN 0648-AB42 "Amendment to Gulf of Alaska Groundfish Fishery Management Plan - Establish New Optimum Yields" and RIN 0648-AB43 "Amendment to Gulf of Alaska Groundfish Fishery Management Plan - Catch Limits for Pacific Halibut".

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB66

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

265. ● PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Abstract: As a result of the Marine Protection, Research and Sanctuaries Act reauthorization signed by the President on October 19, 1984, the regulations are being revised to incorporate modifications from the new legislation regarding the sanctuary designation process and site selection criteria.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	02/00/86	
Final Action	05/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648-AA31

266. ● PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648-AA33

267. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the coastal zone within the meaning of Section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended (CZMA), and, therefore, that a consistency determination is not required under that section before such sales may be made. Section 307 (c)(1) requires that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities in a manner which is consistent to the maximum extent practicable with federally-approved state coastal zone management programs. NOAA is engaging in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA intends to remove those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period Begin	06/01/84	49 FR 22825
ANPRM Comment Period End	08/31/84	
NPRM	01/28/85	50 FR 3798
NPRM Comment Period Begin	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	
Final Action	09/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Nan Evans, Senior Policy Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mangmnt, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4249**

RIN: 0648-AA34

268. PROPOSED REGULATIONS FOR THE PROPOSED FAGATELE BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 941

Abstract: The American Samoa Government does not currently possess the legal authorities necessary for managing site-specific marine resources such as the Fagatele Bay National

Marine Sanctuary. Regulations will be proposed for the Fagatele Bay National Marine Sanctuary to fulfill a need evidenced by uncontrolled harvesting of reef fisheries and the loss of habitat via destructive fishing methods. Long-term benefits include resource protection and restoration of habitat; public education and development of an environmental ethic; and ecological succession studies. This project will serve as a prototype for other resource protection initiatives by the American Samoa Government.

Timetable:

Action	Date	FR Cite
NPRM	12/04/84	49 FR 47415
NPRM Comment Period Begin	12/04/84	
NPRM Comment Period End	02/04/85	
Final Action	10/00/85	
Final Action Effective	12/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State

Analysis: See Additional Information

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Div., Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean & Coastal Resource Mgmt., 3300 Whitehaven Street, N.W., Washington, DC 20235, **202 634-4236**

RIN: 0648–AA74

269. DRAFT REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	01/00/86	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648–AB49

270. DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	01/00/86	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648–AB50

271. ● PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648–AB64

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

272. DEEP SEABED MINING REGULATIONS FOR COMMERCIAL RECOVERY

Significance: Regulatory Program

Legal Authority: 30 USC 1401 et seq Deep Seabed Hard Mineral Resources Act

CFR Citation: 15 CFR 971

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations, prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickel, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulation would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57903
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
Public Hearing	11/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Additional Information: The RIA and RFA prepared for the exploration license regulations will be reviewed and reaffirmed or supplemented as needed to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The RIA and RFA are available, as are the programmatic Environmental Impact Statement and supporting guidance document on seabed mining using currently foreseeable technology.

Affected Sectors: 102 Copper Ores; 106 Ferroalloy Ores, Except Vanadium; 108 Metal Mining Services; 331 Blast Furnaces, Steel Works, and Rolling and Finishing Mills; 333 Primary Smelting and Refining of Nonferrous Metals; 951 Administration of Environmental Quality Programs

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: John W. Padan, Program Manager, Deep Seabed Mining, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean Minerals and Energy, 2001 Wisconsin Avenue, NW, Suite 105, Washington, DC 20235, 202 653-8257

RIN: 0648-AA36

273. LICENSING OF OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS

Legal Authority: 42 USC 9101 et seq Ocean Thermal Energy Conversion Act; as amended by PL 96-623

CFR Citation: 15 CFR 981 et seq

Abstract: These regulations (15 CFR 981) established a stable legal system and a streamlined licensing process to facilitate commercial development of ocean thermal energy conversion (OTEC) facilities and plantships. These regulations are being reviewed to determine if they should be revised. The details of the simplified licensing system for ownership, construction, location, and operation of OTEC facilities and plantships which are associated with the United States or U.S. Citizens, are being examined to gauge the effect on the developing OTEC industry. Section 117 of the Ocean Thermal Energy Conversion Act of 1980 requires NOAA to review these regulations periodically, at intervals of not more than every three years, and to revise them as necessary based on that review. Agency planning amendments to regulations as a result of OMB review under the Paperwork Reduction Act. There is potential revision of antitrust provisions in the regulations which will be considered separately.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	12/00/85	
Final Action Effective	01/00/86	

Small Entity: No

Additional Information: A Final Regulatory Impact Analysis (July 1981) and a Final Programmatic Environmental Impact Statement (July 1981) are available. Neither an RIA nor an RFA is required or prepared for a review of an existing regulation.

Affected Sectors: 281 Industrial Inorganic Chemicals; 287 Agricultural Chemicals; 361 Electric Transmission and Distribution Equipment; 362 Electrical Industrial Apparatus

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: James B. Rucker, OTEC Program Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Ocean Minerals and Energy Division, 2001 Wisconsin Ave., NW, Page 1 Rm. 105, Washington, DC 20235, 202 254-3483

RIN: 0648-AA69

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Existing Regulations Under Review

NATIONAL MARINE FISHERIES SERVICE

274. U.S. GENERAL STANDARDS FOR GRADES OF FISH FILLETS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263A; 50 CFR 263B; 50 CFR 263C; 50 CFR 263D; 50 CFR 263E

Abstract: This revision would amend 50 CFR Subpart 263A and delete 50 CFR Subparts 263A, B, C & D. The revision will simplify the voluntary standards for the inspection/grading of fish fillets by industry and Government inspection personnel by incorporating general criteria for the standards. The timetable for this action is very tentative. Further research will be needed before publication of the rule.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 634-7458

RIN: 0648-AA45

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

COMPLETED RULEMAKINGS

275. AMENDMENT NO. 3 TO THE HIGH SEAS SALMON FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 674

Abstract: Amendment No. 3 and implementing regulations to the High Seas Salmon Fishery Management Plan (FMP) may be needed to prevent depletion of the stocks by overfishing if naturally spawning stocks of southeast Alaska and Pacific Northwest chinook salmon are depressed. Reducing the optimum yield (OY) could contribute to resolution of the problem; alternatively reducing the harvest level within the current OY range may be adequate to address the problem. Adjustment of fishing season dates may also be appropriate. Adjustment of OY levels or the fishing season would impact over 3,000 commercial salmon trollers. Adverse impacts could include lower catch/revenues or increase competition for available catch. It is unknown at this time whether a 1985 or 1986 amendment will be necessary.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	06/15/85	
Final Action	06/18/85	50 FR 25247
Final Action Effective	06/18/85	50 FR 25247

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required and will be prepared. A Regulatory Impact Review/Initial RFA will be available in the spring of 1985.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AA75

276. FOREIGN FISHING (SEGMENT 1): FOREIGN FISHING VESSEL PERMIT FEES, 1985

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.22

Abstract: This rule will set permit fees for foreign fishing vessels that desire to fish in the U.S. FCZ during Calendar Year 1985 (Segment One (1)).

Timetable:

Action	Date	FR Cite
NPRM	11/23/84	49 FR 46177
NPRM Comment Period Begin	11/23/84	49 FR 46177
Final Action	03/01/85	50 FR 8335
Final Action Effective	04/29/85	
NPRM Comment Period End	12/24/85	

Small Entity: No

Additional Information: A RIA is not required and will not be prepared. A Regulatory Impact Review will be prepared and will be available in September 1984.

Government Levels Affected: Federal

Agency Contact: John D. Kelly, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, 202 634-7432

RIN: 0648-AB10

277. ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES: IMPLEMENTING REGULATIONS FOR SIZE LIMITS FRAMEWORK MEASURE

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 652

Abstract: Amends the regulations governing the harvest of Atlantic surf clams to provide a means of adjusting the minimum size within a range of 5.5 - 4.75 inches. The Regional Director, after consultation with the Mid-Atlantic Council and opportunity for public comment, must adjust the size limit as necessary so that discards on average would not exceed 30 percent of the total catches. Requires tagging of surf clam cages.

Timetable:

Action	Date	FR Cite
NPRM	12/26/84	49 FR 50060
NPRM Comment Period Begin	12/26/84	49 FR 50060
NPRM Comment Period End	02/08/85	
Final Action	04/12/85	50 FR 11166
Final Action Effective	04/12/85	50 FR 11166

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Draft RFA 12/26/84 (49 FR 50060); Regulatory Impact Review 12/26/84 (49 FR 50060)

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, Federal Bldg., 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB14

278. ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES: IMPLEMENTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 Magnuson Fishery Conservation & Management Act

CFR Citation: 50 CFR 652

Abstract: Amends the regulations governing harvest of surf clams from the New England Area to increase the maximum annual quota to 200,000 bushels, implement a minimum size limit and specify effort controls to distribute fishing pressure throughout the year.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	05/29/85	
Dropped--was not and will not be implemented as separate regulation	08/27/85	

Small Entity: Undetermined

Additional Information: A RIA is not required and will not be prepared. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Review 04/30/85

Agency Contact: Richard H. Schaefer, Acting Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, Federal Building, 14 Elm Street, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB16

279. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - CONTROL SABLEFISH FISHING OFF SOUTHEAST ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will terminate sablefish fishing by United States vessels in certain parts of the fishery conservation zone off Southeast Alaska.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	07/14/85	
To be incorporated into Amendment 14 to FMP for AK Groundfish	08/27/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 04/30/85

Agency Contact: Robert McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB18

280. FOREIGN FISHING - PROHIBITIONS AND OBSERVER REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.7 to 611.8

Abstract: The interim rule revises the regulations which require foreign fishermen to assist U.S. observers and makes it illegal for foreign fishermen to take certain actions. The action is necessary to address a growing number of incidents of obstruction and harassment of observers by foreign fishermen affecting the safety and proper functions of those personnel. The regulations give explicit instructions to foreign fishermen to ensure the safety of observers, detail the assistance foreign fishermen are to give observers, and specify the actions or inactions that are prohibited to foreign fishermen.

Timetable:

Action	Date	FR Cite
Begin Review	12/28/84	49 FR 50498
Final Action	02/28/85	50 FR 8131
Interim Final Rule	03/08/85	
Final Action Effective	04/12/85	50 FR 8131

Small Entity: No

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St. NW, Washington, DC 20235, 202 634-7432

RIN: 0648-AB34

281. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - ESTABLISH NEW OPTIMUM YIELDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will establish new optimum yields for groundfish.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	
NPRM Comment Period Begin	05/14/85	
NPRM Comment Period End	06/28/85	

Action	Date	FR Cite
To be incorporated into new action, Amendment 14 to Gulf of Alaska Groundfish	08/27/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 05/14/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB42

282. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - CATCH LIMITS FOR PACIFIC HALIBUT

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will revise the prohibited species catch limits for Pacific halibut in the domestic groundfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	05/07/85	
NPRM Comment Period Begin	05/07/85	
NPRM Comment Period End	06/21/85	
To be incorporated into new action, Amendment 14 to the Gulf of Alaska Groundfish FMP	08/27/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 05/07/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB43

283. AMENDMENT 8 TO THE BERING SEA/ALEUTIAN ISLANDS GROUNDFISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 675

Abstract: An amendment to the existing fishery management plan and regulations was proposed by the North Pacific Fisheries Management Council to ban foreign trawling within 20 miles of the Aleutian Islands in order to eliminate gear conflicts with longliners in this area.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	05/15/85	
Amendment provisions subsumed under Amendment 9 to this FMP (RIN: 0648-AB52)	08/27/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 04/01/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB45

284. REGULATIONS FOR PROPOSED LA PARGUERA, PUERTO RICO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434 Mar. Prot., Research & Sanct Act

CFR Citation: 15 CFR 939

Abstract: The Governor of Puerto Rico has disapproved this sanctuary proposal. A Federal Register Notice will be forthcoming.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 09286
NPRM Comment Period Begin	03/04/83	48 FR 09286
NPRM Comment Period End	05/04/83	
Withdrawn	08/27/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Dr. Nancy Foster, Chief, Department of Commerce, National Oceanic and Atmospheric Administration, Sanctuary Programs Division, OCRM, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-4236

RIN: 0648-AA32

COMPLETED REVIEWS

285. FINANCIAL ASSISTANCE FOR RESEARCH AND DEVELOPMENT PROJECTS TO STRENGTHEN AND DEVELOP THE U.S. FISHING INDUSTRY - NOTICE OF FUNDS AVAILABILITY

Legal Authority: 15 USC 713(c) Saltonstall-Kennedy Act

CFR Citation: Not yet determined

Abstract: To provide widespread solicitation for proposals/applications

to compete for fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements.

No alternative or limited competition alternatives are being considered.

Direct benefits include award of about $9 million in project grants representing about 70 percent of total project costs.

Direct costs include required matching funds of about 10 percent of total project costs or $4 million.

Costs and benefits associated with project accomplishments not quantifiable.

Timetable:

Action	Date	FR Cite
Final Action Publication of notice of funds availability	04/16/85	50 FR 15060

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1984

Government Levels Affected: Federal

Agency Contact: Roger W. Hutchinson, Manager, S-K Program Administration Staff, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Industry Services Division, Washington, DC 20235, 202 634-7451

RIN: 0648–AB28

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
National Telecommunications and Information Administration (NTIA)

Existing Regulations Under Review

286. PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM; INTERIM REVISION OF REGULATIONS

Legal Authority: 47 USC 390 to 394; 47 USC 397 to 399b

CFR Citation: 15 CFR 2301.1; 15 CFR 2301.3; 15 CFR 2301.4(a) to (b); 15 CFR 2301.4(d)(2); 15 CFR 2301.5(a) to (b); 15 CFR 2301.6(a); 15 CFR 2301.7(a) to (d); 15 CFR 2301.9; 15 CFR 2301.11(a); 15 CFR 2301.12(a) to (e); 15 CFR 2301.13; 15 CFR 2301.14(a) to (d); 15 CFR 2301.16(b) to (c); 15 CFR 2301.17(b) to (n); 15 CFR 2301.19(b); ...

Abstract: NTIA has completed two grant cycles since the last revision of its PTFP Rules. During these two cycles we have recognized several areas which cause confusion. We intend to clarify these areas to allow potential grantees to understand more easily the requirements and facilitate their application. The proposed changes to Rules and Regulations will allow for more uniformity and clarity in administering the program. Areas included are: 1. Applicant eligibility for planning grants and making project eligibility language more consistent with the law and NTIA practices. 2.What constitutes a complete application and distinguishes it from an application that is deficient. 3.What does filing a timely application mean and how it is to be delivered in a timely manner. 4.How to amend an application. 5.How to reactivate a deferred application. 6.How to request special consideration. 7.Expanded discussions on control and use of equipment, eligible equipment items, and non-eligible equipment items. 8.Expanded discussions on the close-out and monitoring procedures for a project.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/84	
Interim Final Rule	09/18/84	49 FR 36600
End Review	06/00/86	
Final Action	10/00/86	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Burnham S. Morse, Telecommunications Policy Analyst, Department of Commerce, National Telecommunications and Information Administration, 14th & Constitution Avenue NW, Room H4890, Washington, DC 20230, 202 377-1835

RIN: 0660–AA01

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Office of Productivity, Technology and Innovation (OPTI)

Current and Projected Rulemakings

287. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS

Significance: Regulatory Program

Legal Authority: 35 USC 206

CFR Citation: 37 CFR 401

Abstract: 35 USC 206 as amended by PL 98-620, requires the Secretary to issue regulations implementing 35 USC 202-204 which deals with the rights in inventions to be provided to nonprofit organizations and small businesses that perform Government supported research and development. Previously this was the responsibility of OFPP which issued OMB Cir. A-124. The proposed regulation is based on Cir. A-124 with such substantive changes as are necessary because of various amendments made by PL 98-620. No alternative is available since a major thrust of the statute was the development of a single regulation to replace the numerous regulations that were in effect prior to 1981. The statute and regulations will benefit contractors and the public by creating the certainty necessary for the early commercialization of inventions by the private sector. Compared to the pre-1981 situation this reduces administrative costs of both the Government and contractors.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13524
Final Action	10/01/85	

Small Entity: Yes

Agency Contact: Norman Latker, Director, Department of Commerce, Office of Productivity, Technology and Innovation, Federal Technology Management Policy Div., Room H 4837, Washington, DC 20230, **202 377-0659**

RIN: 0692-AA01

DEPARTMENT OF COMMERCE (DOC)
Office of Productivity, Technology and Innovation (OPTI)

Completed Actions

COMPLETED RULEMAKINGS

288. LICENSING OF GOVERNMENT OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Abstract: PL 98-620 amended 35 USC 208 to shift authority for the promulgation of regulations concerning the licensing of federally owned inventions from GSA to Commerce. These regulations are identical in substance and will supersede GSA regulations at 41 CFR Subpart 101-4-1. Thus, there will be no changes in costs of benefits from this section. At a later date, we may consider whether changes to these regulations could lead to a more effective Government licensing program.

Timetable:

Action	Date	FR Cite
Final Action	03/12/85	50 FR 9801

Small Entity: Not Applicable

Agency Contact: Norman Latker, Director, Department of Commerce, Office of Productivity, Technology and Innovation, Federal Technology Management Policy Div, Room H 4837, Washington, DC 20230, **202 377-0659**

RIN: 0692-AA02

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]
BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Current and Projected Rulemakings

289. REQUESTS FOR IDENTIFIABLE RECORDS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.15

Abstract: The existing regulations govern requests for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	01/00/86	
Final Action	04/00/86	
Final Action Effective	05/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: John W. Dewhirst, Department of Commerce, Patent and Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, **703 557-4035**

RIN: 0651-AA04

290. VARIETY NAMING REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.71; 37 CFR 1.163; 37 CFR 1.168

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	50 FR 33062
NPRM Comment Period Begin	08/16/85	
NPRM Comment Period End	10/31/85	
Final Action	02/00/86	
Final Action Effective	04/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Stanley D. Schlosser, Legislative and International Specialist, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3065**

RIN: 0651-AA12

291. TERM OF DEPOSIT OF MICROORGANISM

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.71

Abstract: PTO will propose amendment of its rules of practice in patent cases to set the duration of a microorganism

deposit for patent purposes in accordance with the Budapest Treaty.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/86	
ANPRM Comment Period Begin	03/00/86	
ANPRM Comment Period End	05/00/86	
NPRM	08/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Rene D. Tegtmeyer, Assistant Commissioner for Patents, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3811**

RIN: 0651-AA13

292. MISCELLANEOUS AMENDMENTS OF TRADEMARK RULES

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.1; 37 CFR 2.101(b); 37 CFR 2.104; 37 CFR 2.112(a); 37 CFR 2.114(c); 37 CFR 2.132(c); 37 CFR 2.145(d)

Abstract: PTO proposes amendment of the trademark rules to improve or clarify inter partes and appeal procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/11/84	49 FR 24033
NPRM Comment Period Begin	06/11/84	49 FR 24033
NPRM Comment Period End	07/18/84	
Final Action	12/00/85	
Final Action Effective	01/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Janet E. Rice, Member, Trademark Trial and Appeal Board, Department of Commerce, Patent and Trademark Office, Crystal Square 5, Suite 1008, Washington, DC 20231, **703 557-3551**

RIN: 0651-AA16

293. TRADEMARK APPLICATIONS

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.21; 37 CFR 2.52; 37 CFR 2.54; 37 CFR 2.58

Abstract: PTO proposes amendment of its trademark rules to codify and improve procedures for processing trademark applications.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30749
NPRM Comment Period Begin	08/01/84	
NPRM Comment Period End	10/30/84	
Final Action	10/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Ellen J. Seeherman, Staff Assistant, Department of Commerce, Patent and Trademark Office, Crystal Plaza 3, Room 11C17, Washington, DC 20231, **703 557-7464**

RIN: 0651-AA17

294. TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Legal Authority: 15 USC 1113; 15 USC 1123; PL 96-517; PL 97-247

CFR Citation: 37 CFR 2.6

Abstract: PTO proposes to amend its rules to establish user fees for members of the public desiring to conduct trademark searches of the computerized data bases in the PTO's automated trademark search system.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31460
NPRM Comment Period Begin	08/07/84	
NPRM Comment Period End	09/05/84	
NPRM Comment Period Extended to	09/25/84	49 FR 35527
Final Action	11/00/85	
Final Action Effective	04/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: J. Howard Bryant, Administrator for Automation, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-6000**

RIN: 0651-AA18

295. REVISION OF TRADEMARK FEES

Significance: Regulatory Program

Legal Authority: 15 USC 1113; 15 USC 1123

CFR Citation: 37 CFR 2.6

Abstract: PTO plans to amend its rules of practice in trademark cases to adjust trademark fees. The fees have not been adjusted since their establishment on October 1, 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	01/00/86	
Final Action	01/00/86	
Final Action Effective	04/01/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Bradford R. Huther, Asst. Commissioner for Finance and Planning, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-1572

RIN: 0651-AA19

296. ARBITRATION OF PATENT INTERFERENCE CASES

Legal Authority: 35 USC 6; PL 98-622

CFR Citation: 37 CFR 1.690

Abstract: An amendment of PTO's rules of practice relating to patent interferences will be proposed to implement the provision in Public Law 98-622 for arbitration of patent interference cases.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/85	50 FR 02294
ANPRM Comment Period Begin	01/16/85	50 FR 02294
ANPRM Comment Period End	03/01/85	
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Fred E. McKelvey, Deputy Solicitor, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4035

RIN: 0651-AA20

297. RULES FOR EXTENSION OF PATENT TERM

Significance: Regulatory Program

Legal Authority: 35 USC 6; PL 98-417

CFR Citation: 37 CFR 1.1; 37 CFR 1.8; 37 CFR 1.20; 37 CFR 1.710 to 1.785

Abstract: PTO plans to propose changes in its rules of practice in patent cases to specify procedures and fees for extending the terms of patents pursuant to the provisions of Public Law 98-417 for the restoration of up to 5 years of the loss in a patent term due to regulatory delays.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3054

RIN: 0651-AA22

298. TRADEMARK APPLICATIONS

Significance: Regulatory Program

Legal Authority: 15 USC 1123; Crocker National Bank v. Canadian Imperial Bank of Commerce; 223 USPQ 909 (TTAB 1984)

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.39; 37 CFR 2.56; 37 CFR 2.57; 37 CFR 2.58

Abstract: PTO plans to propose amendment of its rules of practice in trademark cases to revise the use and specimen requirements in trademark applications filed by foreign applicants pursuant to Section 44 of the Trademark Act, 15 USC 1126. The revision would conform the use and specimen requirements with the decision of the Trademark Trial and Appeal Board in Crocker National Bank v. Canadian Imperial Bank of Commerce, 223 USPQ 909 (1984).

Timetable:

Action	Date	FR Cite
Final Action Effective	08/01/85	
NPRM	11/00/85	
Final Action	05/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Ms. Carlisle Walters, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3268

RIN: 0651-AA23

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Completed Actions

COMPLETED RULEMAKINGS

299. MISCELLANEOUS PATENT PROVISIONS

Significance: Agency Priority

Legal Authority: 35 USC 6; PL 98-620; PL 98-622

CFR Citation: 37 CFR 1.11; 37 CFR 1.14; 37 CFR 1.17; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.45; 37 CFR 1.48; 37 CFR 1.60; 37 CFR 1.61; 37 CFR 1.62; 37 CFR 1.78; 37 CFR 1.101; 37 CFR 1.103; 37 CFR 1.104; 37 CFR 1.106; ...

Abstract: PTO amended its rules of practice in patent cases to implement miscellaneous patent provisions enacted by Public Laws 98-620 and 98-622. These provisions authorize the issuance of statutory invention registrations, simplify the filing of appeals to the U.S. Court of Appeals for the Federal Circuit, exclude certain prior art from consideration and change

certain requirements relating to joint applications and international applications filed under the Patent Cooperation Treaty.

Timetable:

Action	Date	FR Cite
NPRM	01/25/85	50 FR 03712
NPRM Comment Period Begin	01/25/85	50 FR 03712
NPRM Comment Period End	02/08/85	
Final Action	03/07/85	50 FR 09368
Final Action Effective	05/08/85	50 FR 09368

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3054

RIN: 0651-AA21

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

300. ● REVISION OF PATENT FEES

Significance: Regulatory Program

Legal Authority: 35 USC 6; 35 USC 41; 35 USC 111; 35 USC 157; 35 USC 302; 35 USC 376; PL 96-517; PL 97-247; PL 98-622

CFR Citation: 37 CFR 1.16; 37 CFR 1.17; 37 CFR 1.18; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.21; 37 CFR 1.24; 37 CFR 1.25; 37 CFR 1.26; 37 CFR 1.53; 37 CFR 1.297; 37 CFR 1.445; 37 CFR 1.446

Abstract: PTO amended its rules of practice in patent cases to adjust patent fees to reflect the fluctuations in the Consumer Price Index for the 3-year period beginning on October 1, 1982. This rulemaking action resulted from splitting the previously consolidated proposal (RIN 0651-AA19) for the revision of both patent and trademark fees.

Timetable:

Action	Date	FR Cite
Final Action	08/06/85	50 FR 31818
Final Action Effective	10/05/85	50 FR 31818

Small Entity: No

Additional Information: The previous Revision of Patent and Trademark Fees, RIN 0651-AA19, was split and the patent fee revision published as a seperate NPRM on June 21, 1985 at 50 FR 25896.

Neither an RIA no an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Frances Michalkewicz, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-1610

RIN: 0651-AA24

[FR Doc. 85-22039 Filed 10-28-85; 8:45 am]

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Federal Register

Tuesday
October 29, 1985

Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Department of Defense.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objectives and criteria, when applicable, of the regulatory reform program under E.O. 12291, and other regulatory reform programs. It contains DoD issuances initiated by DoD Components that may have economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and are therefore published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published in April 29, 1985 and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in April 1986. In addition to this agenda, DoD Components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information contact Mr. Terry D. Judd, telephone 202-697-1142 or write to Directorate for Organizational and Management Planning, OASD(C), Washington, D.C. 20301.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact Ms. Kathleen Buck, legal counsel, Office of the General Counsel, Washington, D.C. 20301, or call 202-697-2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, with follow-on reporting actions taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD Components promulgate their implementing regulations.

To ease identification and to clarify the differences between the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act.

b. Paperwork Reduction Act.

c. GATT International Trade Agreement.

These DoD issuances which are directly applicable under these statutes will be identified in the agenda and their action status indicated. Generally, the reports contained in this agenda will contain three sections: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

DATED: August 27, 1985.

Arthur H. Ehlers,

Director for Organizational and Management Planning.

AGENCY: Office of the Secretary, DoD.

ACTION: This agenda updates the report published in April 29, 1985, and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulatory material listed below is in 3 parts: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

FOR FURTHER INFORMATION CONTACT: The Agency contact names and telephone numbers appear after each agenda entry. For other information on the agenda, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives Directorate, Washington Headquarters Services, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION:

E.O. 12291. None of the regulatory documents listed below is a "major

rule" and no major rules are presently under development.

Regulatory Flexibility Action, section 610. The Office of the Secretary of Defense has screened its existing regulatory documents and has concluded that none of its regulatory documents causes significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96-511. None of the DoD regulatory documents listed in the agenda require information collection reports affecting the public sector under the criteria of Pub. L. 96-511.

GATT Agreement. None of the DoD regulatory documents listed in this agenda impact upon foreign trade under the GATT Agreement.

The OSD agenda follows.

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Current and Projected Rulemakings

301. INVOLUNTARY CHILD AND SPOUSAL SUPPORT ALLOTMENTS (DOD DIRECTIVE 1340.XX)

Legal Authority: PL 97-248; 37 USC 101; 15 USC 1673; 42 USC 465

CFR Citation: 32 CFR 54

Abstract: This proposed rule (47 FR 46297, 10/18/82) implements section 172 of the Tax Equity and Fiscal Responsibility Act of 1982. It is being recoordinated within the Department of Defense.

Timetable:

Action	Date	FR Cite
NPRM	10/18/82	47 FR 46297
Final Action	12/00/85	

Small Entity: No

Agency Contact: James T. Jasinski, Department of Defense, Office of the Secretary, **202 697-0536**

RIN: 0790-AA08

302. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS) (FEDERAL MEDICAL CARE RECOVERY ACT, CHAPTER 9) (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1088; 5 USC 301

CFR Citation: 32 CFR 199

Abstract: This proposed amendment (48 FR 45791, October 7, 1983) revises the CHAMPUS regulation by consolidating all federal claims provisions into one Chapter. It is also being staffed within the Department of Defense.

Timetable:

Action	Date	FR Cite
NPRM	10/07/83	48 FR 45791
Final Action	12/00/85	

Small Entity: No

Agency Contact: Tariq Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790-AA29

303. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); CARDIAC PACEMAKER TELEPHONE MONITORING (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Abstract: An amendment to the proposed rule was published (49 FR 35934) that will allow coverage for transtelephonic monitoring of cardiac pacemakers which is currently excluded under CHAMPUS Basic Program.

Timetable:

Action	Date	FR Cite
NPRM	01/18/84	48 FR 2118
Final Action	12/00/85	

Small Entity: No

Agency Contact: David E. Bennett, Department of Defense, Office of the Secretary, **303 361-8608**

RIN: 0790-AA31

304. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ELIGIBILITY OF ADULT ADOPTEES FOR MEDICAL BENEFITS (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Abstract: This proposed amendment clarifies the intent of Title 10 USC 1072 (2), concerning eligibility of adopted children. This is necessary to ensure that reasonable limits are placed on CHAMPUS eligibility. This clarification will result in uniform eligibility determinations corresponding to the interest of Congress. It is also being staffed within the Department of Defense.

Timetable:

Action	Date	FR Cite
NPRM	03/02/84	49 FR 7837
NPRM Comment Period Begin	03/02/84	
NPRM Comment Period End	04/02/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Rose M. Sabo, Department of Defense, Office of the Secretary, **303 361-4014**

RIN: 0790-AA39

305. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); AMENDMENT OF AMBULANCE SERVICE COVERAGE (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 5 USC 301

CFR Citation: 32 CFR 199

Abstract: This proposed amendment (49 FR 17976, April 26, 1984) will revise the definition of "ambulance," remove the $100 allowable charge ceiling used to distinguish between local and long distance ambulance service, and expand coverage for transfer to a Uniformed Service Medical Treatment Facility (USMTF). It is also being staffed within the Department of Defense.

Timetable:

Action	Date	FR Cite
NPRM	04/26/84	49 FR 17976
NPRM Comment Period Begin	04/26/84	
NPRM Comment Period End	05/25/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: David E. Bennett, Department of Defense, Office of the Secretary, **303 361-8608**

RIN: 0790–AA40

306. INDUSTRIAL PERSONNEL SECURITY CLEARANCE PROGRAM (DOD DIRECTIVE 5220.6)

Legal Authority: 5 USC 504; EO 10865

CFR Citation: 32 CFR 155

Abstract: This rule is being revised and reissued to (1) reflect organizational changes in the Department of Defense, (2) simplify the language contained in the existing rule, and (3) incorporate the Equal Access to Justice (5 USC 504) standard in the section pertaining to reimbursement for lost earnings.

Timetable:

Action	Date	FR Cite
NPRM	07/08/84	49 FR 31455
NPRM Comment Period Begin	07/08/84	49 FR 31455
NPRM Comment Period End	08/08/84	
Final Action	12/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James P. Brown, Department of Defense, Office of the Secretary, Directorate for Industrial Security, Clearance Review, **202 696-4598**

RIN: 0790–AA42

307. ● COMMERCIAL ACTIVITIES PROGRAM (DOD DIRECTIVE 4100.15)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169

Abstract: This proposed rule will accommodate substantive changes required by OMB Circular No. A-76 and prescribes DoD policies and assigns responsibilities for commercial activities.

Timetable:

Action	Date	FR Cite
NPRM	05/03/85	50 FR 18886
NPRM Comment Period Begin	06/03/85	50 FR 18886
Final Action	12/00/85	

Small Entity: Yes

Agency Contact: Lee Ruddle, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790–AA47

308. ● COMMERCIAL ACTIVITIES PROGRAM PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169a

Abstract: This proposed rule will reissue 32 CFR 169a to accommodate substantive changes required by 32 CFR 169 and OMB Circular A-76; implement the policies established in 32 CFR 169; and establish procedures for use by the Department of Defense (DoD) to determine whether needed commercial activities should be accomplished by DoD personnel or by contract with a commercial source.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19703
NPRM Comment Period Begin	05/10/85	50 FR 19703
Final Action	12/00/85	

Small Entity: Yes

Agency Contact: Lee Ruddle, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790–AA48

309. ● RELEASE OF OFFICIAL INFORMATION IN LITIGATION AND TESTIMONY BY DEPARTMENT OF DEFENSE PERSONNEL AS WITNESSES (DOD DIRECTIVE 5405.2)

Legal Authority: 5 USC 31; 10 USC 133

CFR Citation: 32 CFR 97

Abstract: This proposed rule will establish policy, assign responsibilities, and prescribe procedures for the release of official DoD information in litigation and for testimony by DoD witnesses during litigation.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10248
NPRM Comment Period Begin	03/14/85	50 FR 10248
NPRM Comment Period End	04/14/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: John Morris, Department of Defense, Office of the Secretary, **202 695-6710**

RIN: 0790–AA49

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

310. PUBLICATION OF PROPOSED AND ADOPTED REGULATIONS AFFECTING THE PUBLIC (DOD DIRECTIVE 5400.9)

Legal Authority: 5 USC 551 to 553

CFR Citation: 32 CFR 296

Abstract: To update DoD's implementation of the Administrative Procedure Act, and to include EO 12291, the Regulatory Flexibility Act (PL 96-354), and the Paperwork Reduction Act (PL 96-511).

Timetable:

Action	Date	FR Cite
No action anticipated	12/23/74	

Small Entity: No

Agency Contact: John Morris, Department of Defense, Office of the Secretary, **202 695-6710**

RIN: 0790–AA02

311. VICTIM AND WITNESS ASSISTANCE (DOD DIRECTIVE 1030.1)

Legal Authority: PL 97-291; 10 USC 801 to 940

CFR Citation: 32 CFR 95

Abstract: This final rule, August 20, 1984, implements Public Law 97-291 by prescribing procedures for the treatment of victims of offenses under 10 USC Sections 801- 940, and assigns responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	11/09/83	48 FR 51490
End Review	08/20/84	
Final Action Effective	08/20/84	
Final Action	09/00/84	

Small Entity: No

Agency Contact: A. Effron, Department of Defense, Office of the Secretary, **202 695-1078**

RIN: 0790–AA27

312. COLLECTION OF INDEBTEDNESS FROM DOD EMPLOYEES (DOD INSTRUCTION 7045.18)

Legal Authority: 31 USC 3711; 31 USC 3716 to 3718

CFR Citation: 32 CFR 90

Abstract: This final rule provides specific guidance to DoD Components on the conduct and management of debts, and provides advice to other federal agencies on how to request offset from debtors who are DoD military members or employees.

Timetable:

Action	Date	FR Cite
NPRM	06/09/84	49 FR 35148
NPRM Comment Period Begin	06/09/84	49 FR 35148
NPRM Comment Period End	09/10/84	
Final Action	03/13/85	50 FR 15734

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Adam Shaw, Department of Defense, Office of the Secretary, Office of the Deputy Assistant Secretary of, Defense (Management Systems), **202 697-0585**

RIN: 0790–AA43

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

313. ● FORMER SPOUSE PAYMENTS FROM RETIRED PAY (DOD DIRECTIVE 1340.16)

Legal Authority: 10 USC 1408

CFR Citation: 32 CFR 63

Abstract: This final rule establishes policy and authorizes direct payments to a former spouse of a member from retired pay in response to court-ordered alimony, child support, or division of property.

Timetable:

Action	Date	FR Cite
Final Action	01/18/85	50 FR 2667

Small Entity: No

Agency Contact: James T. Jasinski, Department of Defense, Office of the Secretary, **202 697-0536**

RIN: 0790–AA45

314. ● REVIEW OF THE MANUAL OF COURTS-MARTIAL (DOD DIRECTIVE 5500.17)

Legal Authority: EO 12473; 10 USC 836; 10 USC 867(g)

CFR Citation: 32 CFR 152

Abstract: This final rule implements the requirement established by the President that the Manual for Courts-Martial, United States 1984 by reviewed annually to ensure that the Manual fulfills its fundamental body of law governing military justice procedures.

Timetable:

Action	Date	FR Cite
Final Action	02/14/85	50 FR 6167

Small Entity: No

Agency Contact: Andrew S. Effron, Department of Defense, Office of the Secretary, **202 695-1078**

RIN: 0790–AA46

315. ● PERSONAL SERVICES CONTRACTING AUTHORITY FOR DIRECT HEALTH CARE PROVIDERS (DOD INSTRUCTION 6025.5)

Legal Authority: 10 USC 1091

CFR Citation: 32 CFR 107

Abstract: This final rule establishes policy and assigns responsibility for implementing the authority for personal services contracts for direct health care providers.

Timetable:

Action	Date	FR Cite
Final Action	03/25/85	50 FR 11693

Small Entity: No

Agency Contact: Colonel H. Rosenbleeth, Department of Defense, Office of the Secretary, **202 697-8975**

RIN: 0790–AA50

[FR Doc. 85-22040 Filed 10-28-85; 8:45 am]
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DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

AGENCY: Department of the Army.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army.

SUMMARY: The Department of the Army published its agenda in 1978 and annually thereafter in compliance with Executive Order 12044, Pub. L. 96-354 and the DoD plan for improving Government Regulation. This agenda provides the status of regulations that were previously reported.

FOR FURTHER INFORMATION CONTACT: John Roach (202) 653-1833. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department of the Army has no regulations under development which meet the criteria of Pub. L. 96-354 and Executive Order 12291. Further, there are no regulations that meet the criteria of the Regulatory Flexibility Act, Paperwork Reduction Act, and the GATT International Trade Agreement.

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Current and Projected Rulemakings

316. THE ARMY GENERAL COUNSEL'S HONORS PROGRAMS

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed.

Timetable:

Action	Date	FR Cite
Review, editing and internal Army coordination underway	00/00/00	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, 202 695-0562

RIN: 0702-AA00

317. AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN US DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Abstract: Prescribes responsibilities and procedures with regard to use of US Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. Jesse Burch, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, 703 272-7796

RIN: 0702-AA02

318. ◉ INDEBTEDNESS OF MILITARY PERSONNEL

Legal Authority: 10 USC 1553

CFR Citation: 32 CFR 572

Abstract: This Army regulation provides policy and procedures governing private indebtedness of Army members. It provides guidance for processing claims. It also forbids debt collectors from contacting commanders without prior consent of the debtor or without a court order.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: John O. Roach, Department of Defense, Department of the Army, DAAG-ESG, 1730 K St., NW, Washington, DC 20006, 202 653-1833

RIN: 0702-AA09

319. ◉ ARMY DISCHARGE REVIEW BOARD

Legal Authority: 10 USC 1553

CFR Citation: 12 CFR 581.2

Abstract: The rules and regulations for the Army Discharge Review Board (ADRB) have been revised. This rule governs the actions and composition of the Army Discharge Review Board. It governs applications and ADRB motions for discharge review, public inspection, copying, and distributions of ADRB documents through the Armed Forces Discharge Review/Correction Board Reading Room; preparing decisional documents and index entries; and processing complaints regarding them.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Major Mary Cook, Director, Department of Defense, Department of the Army, Army Council of Review Boards, OSA, Washington, DC 20310-1810, 202 692-4562

RIN: 0702-AA10

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Existing Regulations Under Review

320. ARMY NATIONAL CEMETERIES

Legal Authority: 24 USC Chapter 7

CFR Citation: 32 CFR 553

Abstract: To publish revised guidelines and administration of Arlington National Cemetery and the Soldiers Home National Cemetery.

Timetable:

Action	Date	FR Cite
End Review	01/00/86	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. Tom Davis, Department of Defense, Department of the Army, US Army Military Personnel Center, Alexandria, VA 22331-0400, 703 325-7960

RIN: 0702-AA07

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Completed Actions

COMPLETED RULEMAKINGS

321. CIVILIAN MARKSMANSHIP: RULES AND REGULATIONS FOR NATIONAL MATCHES AND OTHER EXCELLENCE IN COMPETITION (EIC) MATCHES

Legal Authority: 10 USC 4307 to 4313

CFR Citation: 32 CFR 544

Abstract: The rules and regulations for National Matches and other excellence-in-competition (EIC) matches have been revised. It gives responsibilities for the National Matches, eligibility criteria, and categories for the competitors, and the program for the National Trophy Matches. This regulation has been revised to change the staff organization of the National Matches, show new eligibility requirements and programs for the National Trophy Matches, include women as a category in the matches, and introduce new awards. The regulation applies to the Active Army, Navy, Air Force and Marine Corps Reserve, and all other personnel competing in the National Matches, and civilians in other EIC matches.

Timetable:

Action	Date	FR Cite
Final Action	05/15/85	50 FR 20209
Final Action Effective	05/15/85	50 FR 20209

Small Entity: Not Applicable

Agency Contact: Col. Mahatha M. Oliver, Director, Department of Defense, Department of the Army, HQDA (SFDM), Washington, DC 20314, 202 272-0810

RIN: 0702-AA08

[FR Doc. 85-22040 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Current and Projected Rulemakings

322. RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT OF PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

Significance: Agency Priority

Legal Authority: 16 USC 460d

CFR Citation: 36 CFR 327

Abstract: Final rule published in 1979. Minor revisions will provide clarification of authority used by field personnel in the management of natural resources.

Timetable:

Action	Date	FR Cite
ANPRM	04/19/84	49 FR 15796
NPRM	10/00/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Darrell E. Lewis, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-R, 202 272-0247

RIN: 0710-AA03

323. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 320 to 330

Abstract: Program policies and procedures for the conduct of the Regulatory Program of the Corps of Engineers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/82	47 FR 31794
NPRM	05/12/83	
Amendments proposed NPRM	05/22/83	48 FR 21466
NPRM Lawsuit Settlement Revisions (33 CFR 320, 323, 325, 330)	03/29/84	49 FR 12260
Publish final Lawsuit Rules	10/05/84	49 FR 39478
Final Action	11/00/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, businesses and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Agency Contact: Bernard Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0200

RIN: 0710-AA04

324. RECREATION USE FEES

Legal Authority: 16 USC 460; 16 USC 461

CFR Citation: 36 CFR 71

Abstract: Will provide updated version of ER 1130-2-404, Recreation Use Fees. The proposed regulation change expands the Corps recreation fee program at Corps projects.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Darrell E. Lewis, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-R, 202 272-0247

RIN: 0710-AA10

325. ENVIRONMENTAL QUALITY, PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Legal Authority: 42 USC 4321

CFR Citation: 33 CFR 230

Abstract: Revisions will streamline Corps NEPA procedures consistent with improved management techniques and reduce unnecessary regulatory burdens on applicants who seek Department of the Army permits.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1387
Final Action	11/00/85	

Small Entity: No

Additional Information: Additional agency contact: Dr. Robert Pierce (202) 272-0199

Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Mr. Richard L. Makinen, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWR-P, 202 272-0120

RIN: 0710-AA11

326. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix C

Abstract: Procedures for including concerns for the protection of historic properties in the regulatory program of the Corps of Engineers.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
Final Action	03/00/86	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Agency Contact: Bernard Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0200

RIN: 0710-AA12

327. CORPS OF ENGINEERS MANAGEMENT OF ARMY AND AIR FORCE REAL PROPERTY

Legal Authority: 5 USC 301; 10 USC 3012

CFR Citation: 32 CFR 644

Abstract: Chapter 8 of EP 405-1-2 is mainly comprised of instructions and guidance relating to internal agency procedures for managing and administering real property and interests in real property controlled by the Army and Air Force. Accordingly, it was determined that the entire chapter does not require publication in the Federal Register. Excerpts of applicable parts will be proposed for publication by Winter 1985.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Mr. Terrence Wilmer, Chief, Programs Division, Department of Defense, U.S. Army Corps of Engineers, ATTN: DAEN-REP, Washington, DC 20314-1000, 202 272-0522

RIN: 0710-AA14

[FR Doc. 85-22040 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

AGENCY: Department of the Navy.

ACTION: This agenda updates the report published in April 29, 1985 and includes regulations expected to be issued and under review over the next 12 months by the Department of the Navy.

SUMMARY: None of the regulations contained in this agenda meets the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), has priority status, is a major rule under E.O. 12291, or contains reporting requirements under the "Paperwork Act." Further, none of the regulations come under the GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information contact Ms. Alcinda P. Wenberg, telephone 202-695-0792 or write to Department of the Navy, Chief of Naval Operations, OP-945C, Washington, D.C. 20350-2000.

328. NONNAVAL MEDICAL AND DENTAL CARE (NAVMEDCOMINST 6320.1)

Legal Authority: 5 USC 301; 5 USC 8140; 10 USC 1071 to 1085; 10 USC 5031; 10 USC 6148; 10 USC 6201 to 6203; 32 CFR 700.1202

CFR Citation: 32 CFR 732

Abstract: To update the NAVMEDCOM Instruction.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Mr. H. Pelham, Department of Defense, Department of the Navy, MEDCOM, 202 653-1179

RIN: 0703-AA00

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Completed Actions

COMPLETED RULEMAKINGS

329. DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY (SECNAVINST 1850.4)

Legal Authority: 5 USC 301; 10 USC 1216; 10 USC 5031

CFR Citation: 32 CFR 725

Abstract: Under revision due to change in basic requirements.

Timetable:

Action	Date	FR Cite
Withdrawn	06/12/85	50 FR 24622

Small Entity: No

Agency Contact: LCDR M. W. Kirkpatrick, Department of Defense, Department of the Navy, NCPB, 202 696-4366

RIN: 0703-AA03

330. MANUAL OF THE JUDGE ADVOCATE GENERAL

Legal Authority: 3 USC 301; 5 USC 301; 10 USC 815; 10 USC 5031; 10 USC 5148; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 719

Abstract: To update the JAG Manual.

Timetable:

Action	Date	FR Cite
Final Action	06/06/85	50 FR 23799

Small Entity: No

Agency Contact: LT W. F. Roos, Department of Defense, Department of the Navy, JAG, 202 325-9860

RIN: 0703-AA09

331. STANDARDS OF CONDUCT AND GOVERNMENT ETHICS (SECNAVINST 5370.2H)

Legal Authority: PL 95-521 as amended by PL 96-19 and PL 96-28; 5 USC 301; 10 USC 133; 10 USC 5031; EO 11222; 5 CFR 734; 5 CFR 737; 5 CFR 738; 32 CFR 40

CFR Citation: 32 CFR 721

Abstract: To update the standards of conduct.

Timetable:

Action	Date	FR Cite
Final Action	03/06/85	50 FR 9000

Small Entity: No

Agency Contact: CDR Sid Smith, Department of Defense, Department of the Navy, JAG, 202 325-9752

RIN: 0703-AA10

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

332. ● PAYMENTS OF AMOUNTS DUE MENTALLY INCOMPETENT MEMBERS OF THE NAVAL SERVICE

Legal Authority: 5 USC 301; 10 USC 5031; 10 USC 5148; 37 USC 601 to 604; 37 USC 1001; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 726

Abstract: To update the JAG Manual.

Timetable:

Action	Date	FR Cite
Final Action	07/12/85	50 FR 28401

Small Entity: No

Agency Contact: Mrs. Valeria Childress, Department of Defense, Department of the Navy, JAG, 202 325-9752

RIN: 0703-AA11

333. ● NAVY DISCHARGE REVIEW BOARD; PROCEDURES AND STANDARDS (SECNAVINST 5420.174C)

Legal Authority: 5 USC 301; 10 USC 1553

CFR Citation: 32 CFR 724

Abstract: To incorporate changes in procedures and standards for the review of discharges and dismissals from the Navy and Marine Corps.

Timetable:

Action	Date	FR Cite
Final Action	03/19/85	50 FR 10943

Small Entity: No

Agency Contact: Capt. R. A. Ways, Department of Defense, Department of the Navy, NDRB, 202 696-4881

RIN: 0703-AA12

334. ● MEDICAL AND DENTAL CARE FOR ELIGIBLE PERSONS AT NAVY MEDICAL DEPARTMENT FACILITIES

Legal Authority: STAT 278, Sec 5031; STAT 278, Sec 6011; STAT 278, Sec 70A; STAT 378, as amended, Sec 301; STAT 378, as amended, Sec 80; STAT 379; 5 USC 301; 10 USC 5031; 10 USC 6011; Interpret or apply RS4807, Sec 4; RS4807, Sec 57; STAT 81, Sec 5537; STAT 81, Sec 6148; STAT 81, Secs 6201 to 6203; STAT 81, Sec 70A; ...

CFR Citation: 32 CFR 728

Abstract: To delineate and promulgate the policies and procedures for providing medical and dental care to eligible persons at Navy Medical Department Facilities.

Timetable:

Action	Date	FR Cite
Final Action	04/17/85	50 FR 15111

Small Entity: No

Agency Contact: Mr. H. Pelham, Department of Defense, Department of the Navy, COMNAVMEDCOM, 202 653-1179

RIN: 0703-AA13

[FR Doc. 85-22040 Filed 10-28-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

AGENCY: Department of the Air Force.

ACTION: This agenda updates the report published on April 29, 1985 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulations listed on the agenda are existing or proposed regulations under internal review for revision or development and only apply to those regulations affecting the public. The Department of the Air Force has no "major rules" under development or review as defined by Executive Order 12291. Also, it has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to these rules and that these rules do not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). These rules do not have an impact on international trade and therefore the provisions of the GATT Agreement do not apply.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Ms. Patsy J. Conner, telephone (202) 697-1861 or write, Department of the Air Force, USAF/DASJR(S), Pentagon, Washington, D.C. 20330-5025.

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Current and Projected Rulemakings

335. SELECTING ARCHITECT-ENGINEER (A-E) FIRMS FOR PROFESSIONAL SERVICES BY NEGOTIATED CONTRACTS (AFR-88-31)

Legal Authority: PL 95-507; 15 USC 631; 15 USC 632; 15 USC 633; 15 USC 637; 15 USC 681; 15 USC 682; 15 USC 683; 15 USC 687; 15 USC 693; 15 USC 694; 25 USC 450

CFR Citation: 32 CFR 834

Abstract: USAF policies & procedures. Revision is in publication process within the Air Force.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mr. Furlong, Department of Defense, Department of the Air Force, HQ USAF/LEEE, 202 767-4260

RIN: 0701-AA01

336. USE OF USAF INSTALLATIONS BY OTHER THAN U.S. DOD AIRCRAFT (AFR 55-20)

Legal Authority: Federal Aviation Act of 1958; PL 85-726; 49 USC 1507(a); 49 USC 1508

CFR Citation: 32 CFR 855

Abstract: Gives requirements, procedures, and responsibilities. Revision is in coordination process within the USAF.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mrs. Young, Department of Defense, Department of the Air Force, HQ USAF/PRPJA, 202 697-1796

RIN: 0701-AA02

337. MILITARY JUSTICE GUIDE (AFR 111-1)

Legal Authority: 10 USC 836; 10 USC 869; 10 USC 940; 10 USC 8012; MCM, US, 1984

CFR Citation: 32 CFR 883

Abstract: Provides USAF procedures in implementing a portion of the Manual for Courts-Martial, United States, 1984.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Col. Hemingway, Department of Defense, Department of the Air Force, HQ USAF/JAJM, 202 767-1539

RIN: 0701-AA05

338. PERSONNEL REVIEW BOARDS-SUBPART A - AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS (AFR 31-3)

Legal Authority: 10 USC 1552

CFR Citation: 32 CFR 865

Abstract: Establishes procedures for the correction of military records.

Timetable:

Action	Date	FR Cite
NPRM	04/04/84	49 FR 13382
NPRM Comment Period Begin	04/04/84	
NPRM Comment Period End	05/04/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Mr. D'Orazio, Department of Defense, Department of the Air Force, HQ SAF/MICB, 202 692-4731

RIN: 0701-AA09

339. OBTAINING MEDICAL, DENTAL, AND VETERINARY CARE FROM CIVILIAN SOURCES (AFR 168-10)

Legal Authority: 10 USC 1074(b); 10 USC 1076(b)

CFR Citation: 32 CFR 880

Abstract: Provides guidance on authorizing and providing reimbursement at Air Force expense for essential medical and dental care from civilian sources.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: MSgt. Fulton, Department of Defense, Department of the Air Force, HQ USAF/SGHC, Bolling AFB, DC 20332-6188, 202 767-5082

RIN: 0701-AA10

340. ● AIR FORCE PRIVACY ACT PROGRAM (AFR 12-35)

Legal Authority: 5 USC 552a

CFR Citation: 32 CFR 806b

Abstract: Access to and amendment of records subject to the Privacy Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mr Jon Updike, Department of Defense, Department of the Air Force, HQ USAF/DAQD, The Pentagon, Washington, DC 20330-5000, 202 694-3431

RIN: 0701-AA15

341. ● APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY (AFR 53-10)

Legal Authority: 10 USC 9342

CFR Citation: 32 CFR 901

Abstract: Defines admissions procedures for the USAF Academy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mrs. Norma Nottingham, Chief, AF Academy Activities Gp Cadet Branch, Department of Defense, Department of the Air Force, HQ USAF/MPPA, The Pentagon, Washington, DC 20330-5060, 202 697-7116

RIN: 0701-AA16

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Existing Regulations Under Review

342. ACQUISITION OF INFORMATION CONCERNING PERSONS AND ORGANIZATIONS NOT AFFILIATED WITH THE DEPARTMENT OF DEFENSE (AFR 124-13)

Legal Authority: DODD 5200.27; 10 USC 8012

CFR Citation: 32 CFR 954

Abstract: Provides USAF policy, limitation & procedures. Awaiting determination and interpretation of policy issues by OSD.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: Awaiting rewrite of DODD.

Agency Contact: Mr. Kennedy, Department of Defense, Department of the Air Force, HQ AFOSI/XPP, 202 767-5830

RIN: 0701-AA04

343. FOREIGN TAX RELIEF PROGRAM (AFR 110-18)

Legal Authority: DODD 5100.64, dtd 12 Aug 70; 32 CFR 211

CFR Citation: 32 CFR 848

Abstract: Implements DOD foreign taxation on DOD expenditures in foreign countries.

Timetable:

Action	Date	FR Cite
End Review	01/00/86	

Small Entity: No

Agency Contact: Mr. Carroll, Department of Defense, Department of the Air Force, HQ USAF/JACI, 202 695-9631

RIN: 0701-AA12

344. AIR FORCE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION (FAR)

Legal Authority: PL 93-400; PL 96-83

CFR Citation: 48 CFR ,(New)

Abstract: Air Force FAR Supplement establishes for the Air Force uniform policy and procedures implementing and supplementing the FAR, the DOD FAR Supplement, and other DOD publications concerning contracting.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Col. Finkbiner, Special Assistant for FAR, Department of Defense, Department of the Air Force, HQ USAF/RDC-FAR, 202 697-9441

RIN: 0701-AA14

[FR Doc. 85-22040 Filed 10-28-85; 8:45 am]

BILLING CODE 3810-01-T

Federal Register

Tuesday
October 29, 1985

Part VI

Department of Education

Semiannual Regulatory Agenda

ED

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: The Secretary of Education publishes a Unified Agenda of Federal Regulations as required by the Office of Management and Budget (OMB) Bulletin No. 85-21 issued under the authority of section 6(b) of the Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 732-2887

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue, and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 85-21, dated July 15, 1985, prescribing the content and structure of the Unified Agenda of Federal Regulations. The unified agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 USC 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is included in the Department of Education Regulatory Program under Executive Order 12498 and, if not, an indication if the action is a priority of the agency.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness and, to the extent possible, vesting greater discretion in State and local agencies, and (2) if necessary, to clarify and simplify requirements governing that program.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

DATED: September 5, 1985.

William J. Bennett,

Secretary of Education.

Departmental Management—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
345	Committee Management Regulations	1880-AA18
346	Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs	1880-AA21
347	Claims Collection	1880-AA09
348	Interest on Outstanding Debts	1880-AA03
349	Uniform Administrative Requirements for Grants to State and Local Governments	1880-AA15
350	Government in the Sunshine Act Regulations	1880-AA11
351	Education Department Acquisition Regulations (EDAR)	1880-AA16

ED

Departmental Management—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
352	Education Department General Administrative Regulations	1880-AA19
353	Family Educational Rights and Privacy Act	1880-AA08

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
354	Procurement Regulations - Small Business and Small Disadvantaged Business Concerns	1880-AA12

Office of Bilingual Education and Minority Languages Affairs—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
355	Bilingual Education Act Programs	1885-AA08
356	Bilingual Education Evaluation	1885-AA09

Office of Bilingual Education and Minority Languages Affairs—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
357	Transition Program for Refugee Children	1885-AA10

Office of Bilingual Education and Minority Languages Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
358	Emergency Immigrant Education Program	1885-AA07

Office for Civil Rights—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
359	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06
360	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

ED

Office of Educational Research and Improvement—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
361	Educational Research Program (NIE)	1850-AA01
362	Strengthening Research Library Resources Program	1850-AA09
363	Territorial Teacher Training Assistance	1850-AA10
364	National Diffusion Network Program	1850-AA13

Office of Educational Research and Improvement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
365	Excellence in Education Programs	1850-AA06
366	Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages	1850-AA05
367	Library Services and Construction Act: Library Services Program	1850-AA08

Office of Elementary and Secondary Education—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
368	Amendments to Chapter 1 of the Education Consolidation and Improvement Act of 1981 to Implement Pub. L. 98-211	1810-AA11
369	Financial Assistance to State Agencies to Meet Special Educational Needs of Handicapped Children	1810-AA19
370	State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning	1810-AA12
371	Assistance for School Construction in Areas Affected by Federal Activities (SAFA)	1810-AA05
372	Indian Education Program - Formula Grants to Local Educational Agencies and Tribal Schools	1810-AA14

Office of Elementary and Secondary Education—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
373	Women's Educational Equity Program	1810-AA16

Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
374	Financial Assistance for Migratory Children and Neglected or Delinquent Children in Institutions, and General Requirements under Chapter 1, ECIA	1810-AA00
375	School Assistance For Local Educational Agencies (LEAs) in Areas Affected by Federal Activities and Arrangements for Children Where LEAs Cannot Provide Suitable Free Education	1810-AA18
376	Magnet Schools Assistance Program	1810-AA13
377	Amendments to Chapter 2 of the Education Consolidation and Improvement Act of 1981 to Implement Pub. L. 98-211	1810-AA10
378	Women's Educational Equity Act Program - Tier II Projects	1810-AA15

ED

Office of Planning and Budget and Evaluation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
379	Equal Access of Students to Limited Open Forums of Public Secondary Schools	1875-AA01

Office of Postsecondary Education—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
380	Carl D. Perkins Scholarship Program	1840-AA35
381	National Talented Teacher Fellowship Program	1840-AA36
382	Procedures for Determining the Eligibility of Institutions and Schools of Postsecondary Education Under the Higher Education Act of 1965, as amended	1840-AA32
383	College Housing and Academic Facilities Prog. (Loan Management)	1840-AA30
384	Financial Assistance for Construction, Reconstruction, and Renovation of Academic Facilities	1840-AA27
385	Student Assistance General Provisions	1840-AA11
386	Student Assistance General Provisions - Subpart E	1840-AA31
387	National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Campus-based programs)	1840-AA03
388	National Direct Student Loan Program: Reduction of Default Rate	1840-AA43
389	Guaranteed Student Loan and Plus Programs	1840-AA04
390	Guaranteed Student Loan/PLUS Programs (Tax-Exempt)	1840-AA37
391	Guaranteed Student Loan -- 1986-87 Family Contribution Schedule	1840-AA38
392	Pell Grant Program - Family Contribution Schedule - Family Size Offsets	1840-AA33

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
393	National Graduate Fellows Program	1840-AA34
394	Pell Grant Program - Family Contribution Schedule 1986-87	1840-AA26
395	National Direct Student Loan Program (Subpart C -- Due Diligence)	1840-AA02
396	Guaranteed Student Loan -- 1985-86 Family Contribution Schedule	1840-AA28
397	Pell Grant Program	1840-AA06
398	Pell Grant Program - Cost of Attendance 1985-86 - 1986-87	1840-AA29

Office of Special Education and Rehabilitative Services—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
399	Assistance to States for Education of Handicapped Children	1820-AA36
400	Special Projects and Demonstrations - Transitional Rehabilitation Services for Handicapped Youth	1820-AA32

Office of Special Education and Rehabilitative Services—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
401	ED/Office of Special Education and Rehab. Services State Independent Living Rehabilitative Services	1820-AA37

ED

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
402	Removal of Architectural Barriers to the Handicapped	1820-AA16
403	Research in the Education of the Handicapped	1820-AA30
404	Handicapped Special Studies - Evaluation	1820-AA34
405	National Institute of Handicapped Research-Technical Amendments	1820-AA29
406	Rehabilitation Administration Services-Technical Amendments	1820-AA28
407	Special Projects and Demonstrations - Supported Employment for Handicapped Individuals	1820-AA31
408	Training of Interpreters for Deaf Individuals	1820-AA33

Office of Vocational and Adult Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
409	State Vocational Education Program and Secretary's Discretionary Programs of Vocational Education	1830-AA02
410	Adult Education -- State-Administered Program and National Adult Education Discretionary Program	1830-AA04

Office of Intergovernmental and Interagency Affairs—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
411	Intergovernmental Review of Department of Education Programs and Activities -- List of Programs	1860-AA00
412	Intergovernmental Review of Department of Education Programs and Activities	1860-AA01

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Current and Projected Rulemakings

345. COMMITTEE MANAGEMENT REGULATIONS

Legal Authority: 20 USC 1233 et seq

CFR Citation: 34 CFR 11

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	03/00/86	

Small Entity: Undetermined

Agency Contact: Ann Bailey, Committee Management Officer, Department of Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Ave, SW, Rm 2135, FOB-6, Washington, DC 20202, **202 245-6081**

RIN: 1880-AA18

346. ● UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 4601

CFR Citation: 34 CFR 15

Abstract: These regulations would implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which requires that owners of real property to be acquired for Federal or federally assisted programs and persons displaced from their dwellings, businesses, or farms as a result of such acquisition be provided fair, consistent, and equitable treatment.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21712
NPRM Comment Period Begin	05/28/85	
NPRM Comment Period End	07/29/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Gary Rasmussen, Department of Education, Departmental Management, Department of Education, 400 Maryland Ave., S.W. Rm. 1175, Washington, D.C. 20202, **202 245-0306**

RIN: 1880-AA21

347. CLAIMS COLLECTION

Significance: Regulatory Program

Legal Authority: 31 USC 3711 to 3719

CFR Citation: 34 CFR 30

Abstract: These proposed regulations would implement requirements of the Debt Collection Act of 1982, the Federal Claims Collection Act and Standards, and OMB Circular A-50 regarding establishment of a debt collection program.

The proposed regulations would improve management and accountability of Federal funds. They are designed to establish an efficient, equitable, and effective program for the collection of debts owed to the Department of Education.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: David T. Dexter, Management Analyst, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm 3034, FOB-6, Washington, DC 20202, 202 472-6032

RIN: 1880-AA09

348. INTEREST ON OUTSTANDING DEBTS

Significance: Regulatory Program

Legal Authority: 31 USC 3711 to 3719

CFR Citation: 34 CFR 75; 34 CFR 76; 34 CFR 200; 34 CFR 298; 34 CFR 668; 41 CFR 34-30

Abstract: These regulations would implement requirements of the Debt Collection Act of 1982, the Federal Claims Collection Standards, and OMB Circular A-50 regarding interest assessment by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	07/11/84	49 FR 28264
NPRM Comment Period Begin	07/11/84	
NPRM Comment Period End	08/27/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Frank Stidman, Director, Financial Assistance, Department of Education, Departmental Management, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-2964

RIN: 1880-AA03

349. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: OMB Circular A-102; 20 USC 3474

CFR Citation: 34 CFR 80

Abstract: This action will implement revised OMB Circular No. A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current ED regulations codified at 34 CFR Part 74 were adopted by ED to implement both Circular No. A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. To implement revised Circular A-102 ED will adopt regulations approved by OMB affecting grantees that are state, local, and Indian tribal governments in 23 CFR Part 80. Regulations for the grantees covered by Circular A-110 will be retained in an amended 34 CFR Part 74.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	09/00/86	

Small Entity: Undetermined

Agency Contact: Monika Edwards Harrison, Special Advisor, to the DUS for Management, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm 3021, FOB-6, Washington, DC 20202, 202 472-5123

RIN: 1880-AA15

350. GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

Legal Authority: 5 USC 552b; 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 705

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Paul Cawein, Education Research Specialist, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm 722, Brown Bldg., Washington, DC 20202, 202 254-8247

RIN: 1880-AA11

351. EDUCATION DEPARTMENT ACQUISITION REGULATIONS (EDAR)

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 34

Abstract: These regulations would implement the Federal Acquisition Regulations within the Department of Education, and include additional policies, procedures, solicitation provisions, and contract clauses.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Ken Barberi, Procurement Policy Analyst, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm 5082, ROB-3, Washington, DC 20202, 202 245-1766

RIN: 1880-AA16

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Existing Regulations Under Review

352. ● EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS

Legal Authority: 20 USC 1221e to 3(a)(1)

CFR Citation: 34 CFR 75

Abstract: The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Part 75 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
End Review	11/00/85	
NPRM	00/00/00	

ED—EDMAN **Existing Regulations Under Review**

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Monika Edwards Harrison, Spec. Advisor, to DUS for Management, Department of Education, Departmental Management, Department of Education, 400 Maryland Ave., S.W. Rm. 3021, Washington, D.C. 20202, **202 472-5123**

RIN: 1880–AA19

353. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Significance: Regulatory Program

Legal Authority: 20 USC 1232g

CFR Citation: 34 CFR 99

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Patricia Ballinger, Director, FERPA, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm. 4074, Switzer Bldg, Washington, DC 20202, **202 732-2058**

RIN: 1880–AA08

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Completed Actions

COMPLETED RULEMAKINGS

354. PROCUREMENT REGULATIONS - SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

CFR Citation: 48 CFR 34

Completed:

Reason	Date	FR Cite
Merged with RIN 1880-AA16	08/21/85	

Small Entity: Undetermined

Agency Contact: Ben Miller 202 245-9582

RIN: 1880–AA12

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)
Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Current and Projected Rulemakings

355. BILINGUAL EDUCATION ACT PROGRAMS

Significance: Regulatory Program

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 500; 34 CFR 501; 34 CFR 512; 34 CFR 513; 34 CFR 524; 34 CFR 525; 34 CFR 536; 34 CFR 537; 34 CFR 549; 34 CFR 561; 34 CFR 573; 34 CFR 574

Abstract: These proposed regulations would implement provisions of the Education Amendments of 1984, PL 98-511.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: William Wooten, Acting, Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW, Rm. 421, Rep. Bldg., Washington, DC 20202, **202 245-2600**

RIN: 1885–AA08

356. BILINGUAL EDUCATION EVALUATION

Significance: Regulatory Program

Legal Authority: 20 USC 3243

CFR Citation: 34 CFR 500

Abstract: These regulations would implement the Education Amendments of 1984, PL 98-511.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 21578
NPRM Comment Period Begin	05/24/85	
NPRM Comment Period End	06/24/85	
Final Action	11/00/85	

Small Entity: Undetermined

Agency Contact: William Wooten, Acting, Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW, Rm. 421, Rep. Bldg., Washington, DC 20202, **202 245-2600**

RIN: 1885–AA09

DEPARTMENT OF EDUCATION (ED)
Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Existing Regulations Under Review

357. ● TRANSITION PROGRAM FOR REFUGEE CHILDREN

Legal Authority: 8 USC 1522(d)

CFR Citation: 34 CFR 538

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
End Review	11/00/85	

ED—BEMLA

Existing Regulations Under Review

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: William Wooten, Acting Ex. Officer, Office of Bilingual Education and Minority Languages Affairs, Department of Education, 400 Maryland Ave., S.W. (Rm. 421, Rptrs. Blg, Washington, D.C. 20202, 202 245-2600

RIN: 1885–AA10

DEPARTMENT OF EDUCATION (ED)

Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Completed Actions

COMPLETED RULEMAKINGS

358. EMERGENCY IMMIGRANT EDUCATION PROGRAM

Significance: Regulatory Program

CFR Citation: 34 CFR 581

Completed:

Reason	Date	FR Cite
Final Action	08/13/85	50 FR 32562
Final Action Effective	09/27/85	

Small Entity: Undetermined

Agency Contact: William Wooten, Acting 202 245-2600

RIN: 1885–AA07

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office for Civil Rights (OCR)

Current and Projected Rulemakings

359. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 106

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out of benefits, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Frederick T. Cioffi, Acting Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870–AA06

360. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Abstract: These agency-specific final regulations would provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by DHEW, now the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Frederick T. Cioffi, Acting, Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5050, Switzer, Washington, DC 20202, 202 732-1635

RIN: 1870–AA05

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Current and Projected Rulemakings

361. EDUCATIONAL RESEARCH PROGRAM (NIE)

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 700; 34 CFR 701; 34 CFR 702; 34 CFR 709; 34 CFR 710; 34 CFR 716; 34 CFR 718; 34 CFR 720; 34 CFR 795

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	50 FR 9970
NPRM Comment Period Begin	03/12/85	
NPRM Comment Period End	04/11/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Frank Sobol, Senior Research Associate, Department of Education, Office of Educational Research and Improvement, National Institute of Education, 400 Maryland Ave, SW, Washington, DC 20202, 202 254-5510

RIN: 1850–AA01

362. STRENGTHENING RESEARCH LIBRARY RESOURCES PROGRAM

Legal Authority: 20 USC 1021 et seq; 20 USC 1041 et seq

CFR Citation: 34 CFR 778

Abstract: This proposed amendment would extend the certification of major research libraries from one year to four years.

Timetable:

Action	Date	FR Cite
NPRM	08/14/85	50 FR 32746
NPRM Comment Period Begin	08/14/85	
NPRM Comment Period End	09/13/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Frank Stevens, Chief, Library Education, Research and Resource Branch, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave, SW, Rm 725, Brown Bldg., Washington, DC 20202, 202 254-5090

RIN: 1850–AA09

363. TERRITORIAL TEACHER TRAINING ASSISTANCE

Legal Authority: PL 95-561

CFR Citation: 34 CFR 790

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Haroldie Spriggs, Program Specialist, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave, SW, Rm 711, Brown Bldg., Washington, DC 20202, 202 254-5833

RIN: 1850–AA10

364. ● NATIONAL DIFFUSION NETWORK PROGRAM

Significance: Regulatory Program

Legal Authority: 20 USC 3851

CFR Citation: 34 CFR 796

Abstract: These proposed amendments would provide assistance to potential exemplary educational programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Robert Mulligan, Deputy Director, Div. of Natl. Dissemination Prog., Department of Education, Office of Educational Research and Improvement, OERI, 400 Maryland Ave., S.W., Washington, D.C. 20202, 202 653-7000

RIN: 1850–AA13

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Completed Actions

COMPLETED RULEMAKINGS

365. EXCELLENCE IN EDUCATION PROGRAMS

CFR Citation: 34 CFR 750

Completed:

Reason	Date	FR Cite
Final Action	06/24/85	50 FR 25962
Final Action Effective	09/01/85	

Small Entity: No

Agency Contact: Patricia Alexander 202 472-1762

RIN: 1850–AA06

366. SECRETARY'S DISCRETIONARY PROGRAM FOR MATHEMATICS, SCIENCE, COMPUTER LEARNING, AND CRITICAL FOREIGN LANGUAGES

CFR Citation: 34 CFR 755

Completed:

Reason	Date	FR Cite
Final Action	06/24/85	50 FR 25972
Final Action Effective	09/01/85	

Small Entity: No

Agency Contact: Patricia Alexander 202 472-1762

RIN: 1850–AA05

367. LIBRARY SERVICES AND CONSTRUCTION ACT: LIBRARY SERVICES PROGRAM

CFR Citation: 34 CFR 768 to 772

Completed:

Reason	Date	FR Cite
Final Action	08/16/85	50 FR 33172
Final Action Effective	09/30/85	

Small Entity: No

Agency Contact: Robert Klassen, Chief 202 254-9664

RIN: 1850–AA08

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Current and Projected Rulemakings

368. AMENDMENTS TO CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981 TO IMPLEMENT PUB. L. 98-211

Legal Authority: 20 USC 3801 to 3808; 20 USC 3871 to 3876

CFR Citation: 34 CFR 200; 34 CFR 204

Abstract: These amendments would implement provisions of the Education Consolidation and Improvement Act of 1981 Technical Amendments, PL 98-211.

Timetable:

Action	Date	FR Cite
NPRM	08/09/84	49 FR 31914
NPRM Comment Period Begin	08/09/84	
NPRM Comment Period End	11/08/84	
Final Action	11/00/85	

Small Entity: No

Agency Contact: James M. Spillane, Director, Division of Program Support, Department of Education, Office of Elementary and Secondary Education, Compensatory Education Programs, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-9846

RIN: 1810-AA11

369. FINANCIAL ASSISTANCE TO STATE AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF HANDICAPPED CHILDREN

Significance: Regulatory Program

Legal Authority: 20 USC 2771 to 2772; 20 USC 3801 to 3805; 20 USC 3807; 20 USC 3871 to 3876

CFR Citation: 34 CFR 202

Abstract: These regulations would implement provisions of the Education Consolidation and Improvement Act of 1981, as amended. These regulations were originally a part of RIN 1810-AA00.

Timetable:

Action	Date	FR Cite
NPRM	12/03/82	47 FR 54718
NPRM Comment Period Begin	12/04/82	
NPRM Comment Period End	03/18/83	
NPRM	11/00/85	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Linda Glidewell, Education Program Specialist, Department of Education, Office of Elementary and Secondary Education, Office of Special Ed. and Rehab. Services, 400 Maryland Ave, SW, (Rm 3528 - Switzer), Washington, DC 20202, 202 732-1099

RIN: 1810-AA19

370. STATE GRANTS FOR STRENGTHENING THE SKILLS OF TEACHERS AND INSTRUCTION IN MATHEMATICS, SCIENCE, FOREIGN LANGUAGES, AND COMPUTER LEARNING

Legal Authority: 20 USC 3961 to 3971; 20 USC 3973

CFR Citation: 34 CFR 208

Abstract: These regulations would implement provisions of Title II of the Education for Economic Security Act (Pub. L. 98-377) enacted on August 11, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45834
NPRM Comment Period Begin	11/20/84	
NPRM Comment Period End	01/04/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Walter Steidle, Chairman, Math, and Science Teacher Education Improvement, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-7965

RIN: 1810-AA12

371. ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES (SAFA)

Legal Authority: 20 USC 631 to 645; 20 USC 647

CFR Citation: 34 CFR 222

Abstract: These regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40362
NPRM Comment Period Begin	10/15/84	
NPRM Comment Period End	12/14/84	
Final Action	02/00/86	

Small Entity: No

Agency Contact: David Phillips, Deputy Director, Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-1975

RIN: 1810-AA05

372. INDIAN EDUCATION PROGRAM - FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBAL SCHOOLS

Legal Authority: 20 USC 241ee(b)(2)

CFR Citation: 34 CFR 251

Abstract: These amendments would implement provisions of the Second Supplemental Appropriations Act of 1984 (Pub. L. 98-396).

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11513
NPRM Comment Period Begin	03/22/85	
NPRM Comment Period End	05/06/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Adrion Baird, Chief, Support Services Branch, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2177, Washington, DC 20202, 202 732-1890

RIN: 1810-AA14

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Existing Regulations Under Review

373. WOMEN'S EDUCATIONAL EQUITY PROGRAM

Significance: Regulatory Program

Legal Authority: 20 USC 3341 to 3348

CFR Citation: 34 CFR 745

Abstract: See Preamble. These regulations would also implement sec. 932(a)(2) of P.L. 98-511. Includes RIN 1810-AA15

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Mrs. Rosemary Clifford-Wilson, Chief, Women's Educational Equity Act Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2017, Washington, DC 20202, 202 245-2465

RIN: 1810-AA16

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Completed Actions

COMPLETED RULEMAKINGS

374. FINANCIAL ASSISTANCE FOR MIGRATORY CHILDREN AND NEGLECTED OR DELINQUENT CHILDREN IN INSTITUTIONS, AND GENERAL REQUIREMENTS UNDER CHAPTER 1, ECIA

CFR Citation: 34 CFR 201; 34 CFR 203; 34 CFR 204

Completed:

Reason	Date	FR Cite
Final Action	04/30/85	50 FR 18406
Final Action Effective	06/14/85	

Small Entity: No

Agency Contact: James M. Spillane 202 245-9846

RIN: 1810-AA00

375. SCHOOL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES (LEAS) IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE EDUCATION

CFR Citation: 34 CFR 222

Completed:

Reason	Date	FR Cite
Final Action	08/16/85	50 FR 33208
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: David G. Phillips 202 245-1975

RIN: 1810-AA18

376. MAGNET SCHOOLS ASSISTANCE PROGRAM

CFR Citation: 34 CFR 280

Completed:

Reason	Date	FR Cite
Final Action	05/22/85	50 FR 21190
Final Action Effective	07/15/85	

Small Entity: No

Agency Contact: M. Patricia Goines 202 245-7965

RIN: 1810-AA13

377. AMENDMENTS TO CHAPTER 2 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981 TO IMPLEMENT PUB. L. 98-211

CFR Citation: 34 CFR 298

Completed:

Reason	Date	FR Cite
Final Action	09/18/85	50 FR 37973
Final Action Effective	11/02/85	

Small Entity: No

Agency Contact: Allen King, Deputy Director 202 245-7965

RIN: 1810-AA10

378. WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM - TIER II PROJECTS

Significance: Regulatory Program

CFR Citation: 34 CFR 745

Completed:

Reason	Date	FR Cite
Now a part of RIN 1810-AA16	08/27/85	

Small Entity: Undetermined

Agency Contact: Mrs. Rosemary Clifford-Wilson, Chief 202 245-2465

RIN: 1810-AA15

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office of Planning and Budget and Evaluation (OPBE)

Completed Actions

COMPLETED RULEMAKINGS

379. EQUAL ACCESS OF STUDENTS TO LIMITED OPEN FORUMS OF PUBLIC SECONDARY SCHOOLS

CFR Citation: 34 CFR 97

Completed:

Reason	Date	FR Cite
Withdrawn	06/30/85	

Small Entity: No

Agency Contact: Gary L. Bauer 202 245-7909

RIN: 1875-AA01

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-T

380. CARL D. PERKINS SCHOLARSHIP PROGRAM

Legal Authority: PL 98-558

CFR Citation: Not yet determined

Abstract: These regulations would implement the provisions of the Human Services Reauthorization Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz, Regulations Officer, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 4060, ROB-3, Washington, DC 20202, 202 245-2787

RIN: 1840-AA35

381. NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM

Significance: Regulatory Program

Legal Authority: PL 98-558

CFR Citation: Not yet determined

Abstract: These regulations would implement the provisions of the Human Services Reauthorization Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz, Regulations Officer, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 4060, ROB-3, Washington, DC 20202, 202 245-2787

RIN: 1840-AA36

382. PROCEDURES FOR DETERMINING THE ELIGIBILITY OF INSTITUTIONS AND SCHOOLS OF POSTSECONDARY EDUCATION UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

Significance: Regulatory Program

Legal Authority: 20 USC 1088; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600

Abstract: These regulations would establish procedures the Secretary would use to determine the eligibility of institutions and schools of postsecondary education that apply for Federal financial assistance under any of the programs authorized by the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: Morris L. Brown, Director, Division of, Eligibility and Agency Evaluation, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 3030, ROB-3, Washington, DC 20202, 202 245-9703

RIN: 1840-AA32

383. COLLEGE HOUSING AND ACADEMIC FACILITIES PROG. (LOAN MANAGEMENT)

Legal Authority: 12 USC 1749a(c)

CFR Citation: 34 CFR 614; 34 CFR 615; 34 CFR 617

Abstract: These regulations would establish Debt Collection procedures for outstanding College Housing loans. The regulations would also make technical amendments to Part 614 - College Housing Program and Part 617-Financial Assistance for Construction, Reconstruction, and Renovation of Academic Facilities program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: Sam Weaver, Chief, Institutional, Receivable Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Washington, DC 20202, 202 755-1843

RIN: 1840-AA30

384. FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

Legal Authority: 20 USC 1132A to 1132E-1

CFR Citation: 34 CFR 617 to 621

Abstract: These regulations would establish funding procedures and criteria for applications under Title VII of the Higher Education Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Charles Griffith, Director, Higher Education Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-3253

RIN: 1840-AA27

385. STUDENT ASSISTANCE GENERAL PROVISIONS

Significance: Regulatory Program

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1094; 20 USC 1097; 20 USC 1141(a)

CFR Citation: 34 CFR 668

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48494
NPRM Comment Period Begin	12/12/84	
NPRM Comment Period End	02/11/85	
Final Action	01/00/86	

Small Entity: Undetermined

Agency Contact: Gail Cornish, Program Specialist, Department of Education, Office of Postsecondary Education, Policy Section, Basic Grant Branch, 400 Maryland Ave, SW, Washington, DC 20202, 202 472-4300

RIN: 1840-AA11

386. STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPART E

Significance: Regulatory Program

Legal Authority: 20 USC 1094

CFR Citation: 34 CFR 668

Abstract: These proposed regulations would establish an integrated system for verification of student and application information under the Campus-based (National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity

Grant), Pell Grant, and Guaranteed Student Loan Programs.

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	50 FR 30674
NPRM Comment Period Begin	07/26/85	
NPRM Comment Period End	09/24/85	
Final Action	01/00/86	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Program Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm. 4018, ROB-3, Washington, DC 20202, 202 472-4300

RIN: 1840-AA31

387. NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS (CAMPUS-BASED PROGRAMS)

Significance: Regulatory Program

Legal Authority: 20 USC 1087aa to 1087ii; 42 USC 2751 to 2756b; 20 USC 1070b to 1070b-3

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Abstract: See Preamble Includes RIN 1840-AA02

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 8050
NPRM Comment Period Begin	02/27/85	
NPRM Comment Period End	04/29/85	
Final Action	02/00/86	

Small Entity: Undetermined

Agency Contact: Margaret Henry, Chief, Department of Education, Office of Postsecondary Education, Policy Section, Campus-based Branch, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-9720

RIN: 1840-AA03

388. ● NATIONAL DIRECT STUDENT LOAN PROGRAM: REDUCTION OF DEFAULT RATE

Significance: Regulatory Program

Legal Authority: 20 USC 1087aa-; 20 USC 1087ii; 20 USC 421-; 20 USC 429

CFR Citation: 34 CFR 674

Abstract: This regulatory action is being undertaken to reduce the high number of defaulted loans under the National Direct Student Loan Program (NDSL) and the unacceptably high default rate of certain participating institutions of higher education. Those provisions of the current regulations for the NDSL Program that have a bearing on the default rate will be reviewed. As a result of that review, the Department expects to develop and issue regulations designed to alleviate the problem substantially.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	04/00/86	

Small Entity: Undetermined

Agency Contact: Margaret Henry, Policy Section Chief, Campus-Based Programs, Department of Education, Office of Postsecondary Education, Department of Education, 400 Maryland Ave., S.W. (Rm. 4018, ROB-3), Washington, D.C. 20202, 202 245-9720

RIN: 1840-AA43

389. GUARANTEED STUDENT LOAN AND PLUS PROGRAMS

Significance: Regulatory Program

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 682; 34 CFR 683

Abstract: See Preamble. This action now includes previous RIN 1840-AA05.

Timetable:

Action	Date	FR Cite
NPRM	09/04/85	50 FR 35964
NPRM Comment Period Begin	09/04/85	
NPRM Comment Period End	11/04/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Larry Oxendine, Chief, Policy Section, Department of Education, Office of Postsecondary Education, Guaranteed Student Loan Branch, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-2475

RIN: 1840-AA04

390. GUARANTEED STUDENT LOAN/PLUS PROGRAMS (TAX-EXEMPT)

Legal Authority: 20 USC 1082; 20 USC 1089-1

CFR Citation: 34 CFR 682

Abstract: These regulations would govern the approval of the Plan for Doing Business submitted to the Department of Education by authorities which issue tax-exempt obligations in order to secure funds to make purchases, or provide financing for loans under the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
NPRM	02/08/85	50 FR 5539
NPRM Comment Period Begin	02/08/85	
NPRM Comment Period End	03/11/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: David C. Bayer, Chief, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 4310, ROB-3, Washington, DC 20202, 202 245-2475

RIN: 1840-AA37

391. GUARANTEED STUDENT LOAN -- 1986-87 FAMILY CONTRIBUTION SCHEDULE

Legal Authority: 20 USC 1078; 20 USC 1082

CFR Citation: 34 CFR 682

Abstract: These regulations establish 1986-87 academic levels of expected family contributions that the Secretary of Education will use to determine student eligibility for interest subsidies under the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
Final Action	04/01/86	

Small Entity: No

Agency Contact: Larry Oxendine, Chief, Policy Section, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-2475

RIN: 1840-AA38

392. PELL GRANT PROGRAM - FAMILY CONTRIBUTION SCHEDULE - FAMILY SIZE OFFSETS

Legal Authority: 20 USC 1070a; 20 USC 1089

CFR Citation: 34 CFR 690

Abstract: These regulations would amend the Pell Grant Expected Family Contribution Schedule for the 1986-87 award year. The family size offset tables are part of the formulas used in determining student eligibility for Pell Grants on the basis of financial need.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Deborah Cohen, Program Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 4318, Washington, DC 20202, 202 472-4300

RIN: 1840-AA33

DEPARTMENT OF EDUCATION (ED)
Office of Postsecondary Education (OPE)

Completed Actions

COMPLETED RULEMAKINGS

393. NATIONAL GRADUATE FELLOWS PROGRAM

CFR Citation: 34 CFR 650

Completed:

Reason	Date	FR Cite
Final Action	08/16/85	50 FR 33220
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Joel D. West, Chairman, National Graduate 202 245-9758

RIN: 1840-AA34

394. PELL GRANT PROGRAM - FAMILY CONTRIBUTION SCHEDULE 1986-87

CFR Citation: 34 CFR 690

Completed:

Reason	Date	FR Cite
Final Action	05/07/85	50 FR 19296
Final Action Effective	06/21/85	

Small Entity: No

Agency Contact: Deborah Cohen 202 472-4300

RIN: 1840-AA26

395. NATIONAL DIRECT STUDENT LOAN PROGRAM (SUBPART C -- DUE DILIGENCE)

CFR Citation: 34 CFR 674

Completed:

Reason	Date	FR Cite
Merged with RIN 1840-AA03	08/27/85	

Small Entity: No

Agency Contact: Margaret Henry, Chief, Policy Section 202 245-9720

RIN: 1840-AA02

396. GUARANTEED STUDENT LOAN -- 1985-86 FAMILY CONTRIBUTION SCHEDULE

CFR Citation: 34 CFR 682

Completed:

Reason	Date	FR Cite
Final Action	04/08/85	50 FR 13916
Final Action Effective	05/23/85	

Small Entity: No

Agency Contact: Larry Oxendine 202 245-2475

RIN: 1840-AA28

397. PELL GRANT PROGRAM

CFR Citation: 34 CFR 690

Completed:

Reason	Date	FR Cite
Final Action	03/15/85	50 FR 10712
Final Action Effective	04/29/85	

Small Entity: Undetermined

Agency Contact: Brian Kerrigan, Chief 202 472-4300

RIN: 1840-AA06

398. PELL GRANT PROGRAM - COST OF ATTENDANCE 1985-86 - 1986-87

CFR Citation: 34 CFR 690

Completed:

Reason	Date	FR Cite
Final Action	05/07/85	50 FR 19302
Final Action Effective	06/21/85	

Small Entity: No

Agency Contact: Brian Kerrigan, Chief 202 472-4300

RIN: 1840-AA29

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)
Office of Special Education and Rehabilitative Services (OSERS)

Current and Projected Rulemakings

399. ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Legal Authority: 20 USC 1413; 20 USC 1416

CFR Citation: 34 CFR 300

Abstract: These regulations would establish procedures for the disapproval of a State plan, clarify the rights of parties, and the duties of the hearing official or panel.

Timetable:

Action	Date	FR Cite
NPRM	11/23/84	49 FR 46252
NPRM Comment Period Begin	11/23/84	

ED—OSERS

Current and Projected Rulemakings

Action	Date	FR Cite
NPRM Comment Period End	02/21/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: William Tyrrell, Acting Director, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm 3614 Switzer Bldg., Washington, DC 20202, 202 732-1014

RIN: 1820-AA36

400. SPECIAL PROJECTS AND DEMONSTRATIONS - TRANSITIONAL REHABILITATION SERVICES FOR HANDICAPPED YOUTH

Legal Authority: 29 USC 777a(c)

CFR Citation: 34 CFR 376

Abstract: These regulations would implement a new statutory authority for discretionary grants for special projects and demonstrations to provide job training to handicapped youth and prepare them for entry into the labor force.

Timetable:

Action	Date	FR Cite
NPRM	07/12/85	50 FR 28412
NPRM Comment Period Begin	07/12/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: James Moss, Assoc. Commissioner, Office of Developing Programs, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm 3030 Switzer Bldg., Washington, DC 20202, 202 732-1287

RIN: 1820-AA32

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Existing Regulations Under Review

401. ● ED/OFFICE OF SPECIAL EDUCATION AND REHAB. SERVICES STATE INDEPENDENT LIVING REHABILITATIVE SERVICES

Significance: Regulatory Program

Legal Authority: 29 USC 711(c)

CFR Citation: 34 CFR 365

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
End Review	10/00/85	
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: James Moss, Assoc. Comm., Office of Developmental Programs, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., S.W. (Rm. 3030 Switzer), Washington, D.C. 20202, 202 732-1287

RIN: 1820-AA37

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Completed Actions

COMPLETED RULEMAKINGS

402. REMOVAL OF ARCHITECTURAL BARRIERS TO THE HANDICAPPED

CFR Citation: 34 CFR 304

Completed:

Reason	Date	FR Cite
Final Action	07/18/85	50 FR 29328
Final Action Effective	09/01/85	

Small Entity: No

Agency Contact: William Tyrrell 202 732-1014

RIN: 1820-AA16

403. RESEARCH IN THE EDUCATION OF THE HANDICAPPED

CFR Citation: 34 CFR 324

Completed:

Reason	Date	FR Cite
Final Action	08/26/85	
Final Action Effective	10/10/85	

Small Entity: No

Agency Contact: Linda Glidewell 202 732-1099

RIN: 1820-AA30

404. HANDICAPPED SPECIAL STUDIES - EVALUATION

CFR Citation: 34 CFR 327

Completed:

Reason	Date	FR Cite
Final Action	08/30/85	50 FR 35482
Final Action Effective	10/25/85	

Small Entity: No

Agency Contact: Susan Sanchez 202 732-1117

RIN: 1820-AA34

405. NATIONAL INSTITUTE OF HANDICAPPED RESEARCH-TECHNICAL AMENDMENTS

CFR Citation: 34 CFR 350; 34 CFR 352; 34 CFR 358; 34 CFR 359

Completed:

Reason	Date	FR Cite
Final Action	04/26/85	50 FR 16672
Final Action Effective	06/12/85	

Small Entity: No

Agency Contact: Betty Jo Berland 202 732-1139

RIN: 1820-AA29

ED—OSERS

Completed Actions

406. REHABILITATION ADMINISTRATION SERVICES-TECHNICAL AMENDMENTS

CFR Citation: 34 CFR 361; 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 373; 34 CFR 379; 34 CFR 385; 34 CFR 386; 34 CFR 389

Completed:

Reason	Date	FR Cite
Final Action	09/23/85	
Final Action Effective	12/2/85	

Small Entity: No

Agency Contact: Albert Rotundo 202 732-1299

RIN: 1820-AA28

407. SPECIAL PROJECTS AND DEMONSTRATIONS - SUPPORTED EMPLOYMENT FOR HANDICAPPED INDIVIDUALS

CFR Citation: 34 CFR 373

Completed:

Reason	Date	FR Cite
Final Action	06/18/85	50 FR 25406
Final Action Effective	09/01/85	

Small Entity: No

Agency Contact: James Moss, Assoc. Commissioner 202 732-1287

RIN: 1820-AA31

408. TRAINING OF INTERPRETERS FOR DEAF INDIVIDUALS

CFR Citation: 34 CFR 396

Completed:

Reason	Date	FR Cite
Final Action	08/13/85	50 FR 32678
Final Action Effective	09/27/85	

Small Entity: No

Agency Contact: Joseph Abrams, Program Specialist 202 732-1357

RIN: 1820-AA33

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office of Vocational and Adult Education (OVAE)

Completed Actions

COMPLETED RULEMAKINGS

409. STATE VOCATIONAL EDUCATION PROGRAM AND SECRETARY'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

CFR Citation: 34 CFR 400; 34 CFR 401; 34 CFR 407; 34 CFR 408; 34 CFR 409; 34 CFR 410; 34 CFR 411; 34 CFR 412; 34 CFR 414; 34 CFR 415; 34 CFR 416; 34 CFR 417

Completed:

Reason	Date	FR Cite
Final Action	08/16/85	50 FR 33226
Final Action Effective	09/30/85	

Small Entity: No

Agency Contact: Charles H. Buzzell, Director 202 732-2237

RIN: 1830-AA02

410. ADULT EDUCATION -- STATE-ADMINISTERED PROGRAM AND NATIONAL ADULT EDUCATION DISCRETIONARY PROGRAM

CFR Citation: 34 CFR 425; 34 CFR 426; 34 CFR 431

Completed:

Reason	Date	FR Cite
Final Action	07/18/85	50 FR 29352
Final Action Effective	09/01/85	

Small Entity: No

Agency Contact: Paul V. Delker 202 732-2270

RIN: 1830-AA04

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office of Intergovernmental and Interagency Affairs (EDSI)

Current and Projected Rulemakings

411. ● INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES -- LIST OF PROGRAMS

Legal Authority: EO 12372; 34 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Abstract: This notice would list those ED programs to be included and those ED programs to be excluded under EO 12372 and ED's implementing regulations in 34 CFR Part 79. The public will be given an opportunity to comment on the listing.

Timetable:

Action	Date	FR Cite
NPRM	11/25/85	
Final Action	04/11/86	

Small Entity: No

Agency Contact: F. Leroy Walser, Acting Exec. Director, Federal Interagency Committee on Education, Department of Education, Office of Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Ave., S.W., Rm. 2083, Washington, D.C. 20202, 202 447-7501

RIN: 1860-AA00

412. ● INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES

Legal Authority: EO 12372; 31 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Abstract: These proposed amendments would implement changes in the scope of the intergovernmental review process as required by EO 12372.

Timetable:

Action	Date	FR Cite
NPRM	07/31/85	50 FR 30959
NPRM Comment Period Begin	07/31/85	

Action	Date	FR Cite
NPRM Comment Period End	09/16/85	
Final Action	11/25/85	

Small Entity: No

Agency Contact: F. Leroy Walser, Acting Exec. Director, Federal Interagency Committee on Education, Department of Education, Office of Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Ave., S.W., Rm. 2083, Washington, D.C. 20202, 202 447-7501

RIN: 1860–AA01

[FR Doc. 85-22041 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part VII

Department of Energy

Semiannual Regulatory Agenda

DOE

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Chs. 9 and 109

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: October 1985 regulatory agenda.

SUMMARY: In furtherance of this Administration's commitment to make government more responsive to the citizens of the United States and to assist in fulfilling the President's mandate to lessen regulatory burdens, the Department of Energy (DOE) is publishing an agenda of regulatory activities that DOE expects to take in the next year or has completed since April 1985. This Agenda provides the Administration with an effective tool for monitoring and controlling the promulgation of regulations. It includes (1) all rules expected to be issued as proposed or final rules before October 1986, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rules for which regulatory action has been completed since the April 1985 Regulatory Agenda. In addition, the Agenda identifies each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," and thus also serves as the Department's regulatory flexibility agenda. The Agenda does not include routine regulations and those that relate to internal agency management.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the Agenda in general, contact: Ted Wilson, Department of Energy, Room 6B-144, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9507.

Specific: For further information about any particular item on the Agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 (46 FR 13193, February 19, 1981) requires each Federal agency to publish, in April and October of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review. Under the Executive Order, the Office of Management and Budget (OMB) sets forth standards and procedures for the preparation of these agendas.

There are important reasons for preparing this Agenda. It is vital in this Administration's efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. This Administration has made considerable progress in these efforts.

In fiscal year 1985, the Department achieved an estimated reduction of 5% in the paperwork burden imposed by management and procurement information collections. In addition, the Energy Information Administration, for fiscal year 1985, projects a reduced burden of its collections on the public by 26,000 hours, or approximately 3%. The Department of Energy continues to work vigorously to achieve even greater success in the future.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 602). The regulatory flexibility agenda must contain: (1) A brief description of the subject area and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities"; (2) the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable about each rule.

Appended to this notice is DOE's October 1985 Regulatory Agenda, reflecting the status of rules listed as of August 15, 1985. Incorporated in this Agenda is the regulatory flexibility agenda required under 5 U.S.C. 602.

The October 1985 Regulatory Agenda has been prepared in accordance with OMB Bulletin 85-21. Within each major DOE organizational unit, regulatory activities have been divided among the following three categories: (1) Current and projected rulemakings (that is, rulemakings for which a Federal Register notice already has been issued or is expected to be issued prior to October 1986); (2) reviews of existing regulations (that is, pending reviews within the agency to determine whether to modify an existing regulation through a rulemaking); and (3) completed actions (that is, regulatory activities for which the agency has completed its action prior to the publication of the current Agenda).

Significant regulations are those which were included in the Administration's first annual Regulatory Program of the United States Government, released on August 8, 1985, under Executive Order 12498, signed on January 4, 1985. Priority regulations include all other regulations which the agency head considers a priority.

Each item will contain the following information: (1) DOE office or administration (that is, the DOE organizational unit responsible for the regulation); (2) RIN number (that is, the Regulation Identifier Number assigned by OMB/OIRA); (3) title; (4) significance (that is, if the regulation was included in the Administration's Regulatory Program or, if not, is a priority regulation); (5) agency contact (that is, the name, title, address and telephone number of a person who is knowledgeable about the regulation); (6) existing regulation (that is, if the regulation under review is an existing regulation); (7) effects on small businesses and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (8) CFR citation (that is, the section of the Code of Federal Regulations that will be affected); (9) legal authority (that is, a citation to the section of the United States Code (U.S.C.), Public Law (P.L.) or the Executive Order (E.O.) that authorizes the regulatory action); (10) abstract (that is, a description of the problem the regulation will address, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); and (11) timetable (that is, the dates and citations, if applicable, for all past stages of the rulemaking that are not final and the next stage of the rulemaking). In addition, each item

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regarding completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding Agenda) states the date and citation, if appropriate.

On August 20, 1985, a draft of this Agenda was transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirement of 5 U.S.C. 602(b).

DOE's next Agenda will be published in April 1986.

Issued in Washington, D.C. on August 26, 1985.

J. Michael Farrell,
General Counsel.

Conservation and Renewable Energy—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
413	Energy Efficiency Standards for Four Types of Consumer Products	1904-AA04
414	Energy Efficiency Standards for Three Types of Consumer Products	1904-AA05
415	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
416	Energy Performance Standards for New Buildings	1904-AA08
417	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
418	Commercial and Apartment Conservation Service (CACS) Standby Program Regulations	1904-AA16
419	Twenty-six State Petitions Regarding Federal Preemption of State Energy Efficiency Standards for Appliances	1904-AA19
420	Weatherization Assistance for Low-Income Persons -- Amendments	1904-AA20
421	Energy Efficiency Test Procedures -- Waiver	1904-AA22
422	Energy Efficiency Test Procedures for Central Air Conditioners	1904-AA23
423	State Petition Regarding Federal Preemption of State Energy Efficiency Standards for Appliances	1904-AA24

Conservation and Renewable Energy—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
424	Procedures for Preliminary Energy Audits and Guidelines for Buildings Plans	1904-AA09
425	Federal Energy Management Program (FEMP) Guidelines for General Operations Plans	1904-AA10

Conservation and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
426	Institutional Conservation Programs -- Amendments	1904-AA17

Defense Programs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
427	10 CFR Part 1017 - Identification and Protection of Unclassified Controlled Nuclear Information	1992-AA04
428	Limited Arrest Authority and Use of Force by Protective Force Officers	1992-AA10

Departmental and Others—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
429	Loan Guarantee for Development of Underground Coal Mines and Construction of Coal Preparation Plants	1901-AA02

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Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
430	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste -- Amendment	1901-AA03
431	Special Research Grants Program	1901-AA04

Economic Regulatory Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
432	Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines	1903-AA00
433	Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations	1903-AA04

Management and Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
434	Financial Assistance Regulations; Cooperative Agreements	1991-AA03
435	Department of Energy Financial Assistance Rules	1991-AA21
436	Department of Energy Acquisition Regulation Revisions	1991-AA23
437	Department of Energy Acquisition Regulation	1991-AA25
438	Department of Energy Acquisition Regulation	1991-AA26
439	Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs	1991-AA27
440	Department of Energy Property Management Regulation	1991-AA28
441	Department of Energy Acquisition Regulation	1991-AA29
442	Department of Energy Acquisition Regulation	1991-AA30
443	Department of Energy Financial Assistance Rules	1991-AA31
444	Department of Energy Acquisition Regulation	1991-AA32
445	Department of Energy Acquisition Regulation	1991-AA33
446	Department of Energy Financial Assistance Rules	1991-AA34
447	Department of Energy Financial Assistance Rules	1991-AA35

Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
448	Nondiscrimination on the Basis of Age	1991-AA22
449	Department of Energy Acquisition Regulation	1991-AA24
450	Security Policies and Practices Relating to Labor-Management Relations	1991-AA04

Office of General Counsel—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
451	Amendments to Department of Energy Conduct of Employees	1990-AA00
452	Patent Waiver Regulation	1990-AA02
453	Foreign Gifts and Decorations	1990-AA04
454	Clarification of the Term Byproduct Material	1990-AA05

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Office of General Counsel—Completed Actions

Sequence Number	Title	Regulation Identifier Number
455	Patent Licensing Regulations	1990-AA01
456	Rules for Fact-Finding Conferences in Debarment and Suspension Cases	1990-AA03

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)

Current and Projected Rulemakings

413. ENERGY EFFICIENCY STANDARDS FOR FOUR TYPES OF CONSUMER PRODUCTS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with four of these products: dishwashers, clothes washers, television sets, and humidifiers and dehumidifiers. The analysis will include all allowable alternatives including various efficiency levels for these consumer products as well as the alternative of no efficiency standard for these consumer products.

Timetable:

Action	Date	FR Cite
ANPRM	12/13/79	44 FR 72276
NPRM	04/01/85	50 FR 12966
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	07/01/85	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: The United States Court of Appeals for the District of Columbia Circuit decided on July 16, 1985 to set aside the final rules regarding Federal appliance energy efficiency standards. The final rule for clothes washers and kitchen ranges and ovens was published on December 22, 1982 (47 FR 57198). The final rule for refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, furnaces and central air conditioners was published on August 30, 1983 (48 FR 39376). The Department is currently reviewing the court decision and studying the impact it will have on this rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA04

414. ENERGY EFFICIENCY STANDARDS FOR THREE TYPES OF CONSUMER PRODUCTS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with heat pumps, heat pump water heaters and home heating equipment (not including furnaces). The analysis will include all allowable alternatives including various efficiency levels as well as the alternative of no efficiency standard.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/80	45 FR 5602

Next Action Undetermined

Small Entity: Undetermined

Additional Information: The United States Court of Appeals for the District of Columbia Circuit decided on July 16, 1985 to set aside the final rules regarding Federal appliance energy efficiency standards. The final rule for clothes washers and kitchen ranges and ovens was published on December 22, 1982 (47 FR 57198). The final rule for refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, furnaces and central air conditioners was published on August 30, 1983 (48 FR 39376). The Department is currently reviewing the court decision and studying the impact it will have on this rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA05

415. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: PL 95-619, Sec 545; PL 96-294, Sec 405; 42 USC 8255; EO 11912; EO 12003; PL 95-619, Sec 547

CFR Citation: 10 CFR 436

Abstract: The National Energy Conservation Policy Act requires DOE to promulgate regulations that establish a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act requires that the regulations provide for the use of marginal costs in the life cycle cost analysis. DOE is seeking legislative revisions to NECPA to rescind requirement for utilizing marginal costs in LCC analysis.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: J. William Bethea, Director, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9430

RIN: 1904-AA06

416. ENERGY PERFORMANCE STANDARDS FOR NEW BUILDINGS

Legal Authority: PL 94-385; PL 96-399; PL 95-91; PL 97-35

CFR Citation: 10 CFR 435

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	10/11/85	

Small Entity: Undetermined

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9835

RIN: 1904-AA08

417. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of the rulemaking is to establish test procedures for heat pump water heaters and to eliminate the need for the test procedure waiver granted to A. O. Smith for its water heater with a thermal compensatory dip tube.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period Begin	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	
Final Action	09/30/85	
Final Action Effective	10/30/85	

Small Entity: No

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA12

418. COMMERCIAL AND APARTMENT CONSERVATION SERVICE (CACS) STANDBY PROGRAM REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 8284

CFR Citation: 10 CFR 458.701 to 458.715

Abstract: On October 26, 1983, DOE issued a final rule in compliance with Title VII of the National Energy Conservation Policy Act, as amended, establishing the Commercial and Apartment Conservation Service (CACS) Program. The CACS Program is an energy audit program for commercial and apartment buildings to be carried out by public utilities in accordance with Plans developed by States. NECPA requires DOE to administer the Program in States that choose not to submit Plans. DOE will administer the program in the manner set forth in the CACS Standby Program Regulations. Insufficient data exists to reliably estimate potential program costs and benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50970
NPRM Comment Period Begin	12/31/84	49 FR 50970
NPRM Comment Period End	03/01/85	
Final Action	09/00/85	
Final Action Effective	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Shelley Launey (202) 252-1650.

Government Levels Affected: State, Federal

Analysis: Final RIA 07/00/83 (48 FR 49622); Final EIS 08/00/83 (48 FR 50935)

Agency Contact: Andre Van Rest, Supr. Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1650

RIN: 1904-AA16

419. TWENTY-SIX STATE PETITIONS REGARDING FEDERAL PREEMPTION OF STATE ENERGY EFFICIENCY STANDARDS FOR APPLIANCES

Significance: Regulatory Program

Legal Authority: 42 USC 6297 (b)(3)

CFR Citation: 10 CFR 430.33

Abstract: This is a rulemaking responding to 26 State petitions that the Department promulgate rules exempting various of the States' appliance energy efficiency standards from federal preemption, regarding six types of major household appliances. The appliances are: refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, central air conditioners, and furnaces.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	08/15/84	
NPRM	08/17/84	49 FR 32944
NPRM Comment Period End	11/15/84	

Next Action Undetermined

Small Entity: No

Additional Information: In a related matter, DOE published notice that it would take final action on the 26 State petitions by May 13, 1985. 49 FR 32444, August 14, 1984. The United States Court of Appeals for the District of Columbia Circuit decided on July 16, 1985 to set aside the final rules regarding Federal appliance energy efficiency standards. The final rule for clothes washers and kitchen ranges and ovens was published on December 22, 1982 (47 FR 57198). The final rule for refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, furnaces and central air conditioners was published on August 30, 1983 (48 FR 39376). The Department is currently reviewing the court decision

and studying the impact it will have on this rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA19

420. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS -- AMENDMENTS

Legal Authority: 42 USC 6861

CFR Citation: 10 CFR 440

Abstract: This rulemaking will implement the change to the program regulations required by the Human Services Reauthorization Act of 1984. The amendment requires DOE to establish a performance fund of not less than 5 percent and not more than 15 percent of the annual program appropriation, beginning in fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29620
NPRM Comment Period Begin	07/19/85	
NPRM Comment Period End	09/17/85	
Final Action	11/15/85	
Final Action Effective	12/15/85	

Small Entity: No

Agency Contact: Greg Reamy, Energy Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, 202 252-2204

RIN: 1904-AA20

421. ENERGY EFFICIENCY TEST PROCEDURES -- WAIVER

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.27

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The Department can temporarily waive test procedure requirements for a particular covered product when characteristics of that product prevent use of the prescribed test procedures or lead to results of the test procedures that provide materially inaccurate comparative data. The purpose of this rulemaking is to streamline the waiver process.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period Begin	01/00/86	
NPRM Comment Period End	03/00/86	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA22

422. ENERGY EFFICIENCY TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of the rulemaking is to establish test procedures for water-source heat pumps and multi-evaporator heat pumps; to eliminate the test procedure waiver granted to Borg-Warner Central Environmental Systems for its variable speed heat pump; and to incorporate, by reference, the American Society of Heating, Refrigerating, and Air-conditioning Engineers Standard 116-83 and the Air-conditioning and Refrigeration Institute Standard 210/240-84 into the test procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period Begin	05/00/86	
NPRM Comment Period End	08/00/86	
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Additional Information: A Notice of Inquiry was published in the Federal Register on April 2, 1985 to request comments on a rating procedure to determine the energy performance of a central air conditioner combination (condensing unit and indoor coil) without conducting the full laboratory procedure prescribed by the DOE test procedures. 50 FR 13042. DOE is considering proposing such a rating method in the rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA23

423. STATE PETITION REGARDING FEDERAL PREEMPTION OF STATE ENERGY EFFICIENCY STANDARDS FOR APPLIANCES

Significance: Regulatory Program

Legal Authority: 42 USC 6297(b)(3)

CFR Citation: 10 CFR 430.33

Abstract: This is a rulemaking responding to two State petitions that the Department promulgate rules exempting various States' appliance energy efficiency standards from Federal preemption. For Michigan, the appliances addressed in the State's petition are gas furnaces, gas clothes dryers, and gas kitchen ranges and ovens. For Hawaii, the appliance addressed in the State's petition is water heaters.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 21450
NPRM Comment Period Begin	05/24/85	
NPRM Comment Period End	08/22/85	

Next Action Undetermined

Small Entity: No

Additional Information: The United States Court of Appeals for the District of Columbia Circuit decided on July 16, 1985 to set aside the final rules regarding Federal appliance energy efficiency standards. The final rule for clothes washers and kitchen ranges and ovens was published on December 22, 1982 (47 FR 57198). The final rule for

refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, furnaces and central air conditioners was published on August 30, 1983 (48 FR 39376). The Department is currently reviewing the court decision and studying the impact it will have on this rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA24

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)
Existing Regulations Under Review

424. PROCEDURES FOR PRELIMINARY ENERGY AUDITS AND GUIDELINES FOR BUILDINGS PLANS

Legal Authority: PL 94-163; PL 95-619; EO 11912; EO 12003

CFR Citation: 10 CFR 436

Abstract: The regulations in Subpart B are needed to provide the procedures for conducting and reporting on preliminary energy audits of Federal buildings, as required by Title V, Part 3, of the National Energy Conservation Policy Act (NECPA) and section 10 of EO 11912, as amended. The regulations in Subpart C are needed to provide guidelines for the formulation and updating of Buildings Plans by Federal agencies to achieve goals for reduction of Federal building energy use, pursuant to section 10 of EO 11912, as amended, section 381 of the Energy Policy and Conservation Act, as amended, and NECPA. DOE is reviewing these procedures and guidelines in order to determine how to make them less prescriptive.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Bethea, Director, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9430

RIN: 1904-AA09

425. FEDERAL ENERGY MANAGEMENT PROGRAM (FEMP) GUIDELINES FOR GENERAL OPERATIONS PLANS

Legal Authority: PL 94-163, Sec 201; PL 96-102, Sec 211; EO 11912; EO 12003

CFR Citation: 10 CFR 436

Abstract: This rule is needed to provide guidelines for use by Federal agencies in their development of overall 10-year energy management plans to conserve energy in the general operations of the agencies, and to provide for agency responses to energy emergencies per authorities cited section 9. DOE is reviewing these guidelines in order to determine how to make them less prescriptive.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Bethea, Director, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9430

RIN: 1904-AA10

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)
Completed Actions

COMPLETED RULEMAKINGS

426. INSTITUTIONAL CONSERVATION PROGRAMS -- AMENDMENTS

Legal Authority: 42 USC 6371 to 6372i Title III of the EPCA, as amended; 42 USC 7101 to 7352 Department of Energy Organization Act

CFR Citation: 10 CFR 455.1 to 455.102

Abstract: The Department makes grants to schools, hospitals, and local government and public care institutions for conducting detailed energy audits and to schools and hospitals for installing energy conservation materials and equipment. The amendments would take advantage of experience obtained in administering the program by making adjustment to such matters as the length of the payback for eligible materials and equipment and the contents of energy audits. The amendments would improve the efficiency of the program.

Timetable:

Action	Date	FR Cite
Notice of Inquiry sought public comments whether to amend program regulation	01/23/84	49 FR 02846
NPRM	08/28/84	49 FR 34163
NPRM Comment Period Begin	08/28/84	49 FR 34163
NPRM Comment Period End	10/12/84	
Final Action	04/30/85	50 FR 18348
Final Action Effective	09/01/85	50 FR 18348

Small Entity: No

Agency Contact: Tom Stapp, Analyst, Department of Energy, Conservation and Renewable Energy, Institutional Conservation Programs Div., 1000 Independence Ave., SW, Washington, DC 20585, 202 252-2198

RIN: 1904-AA17

[FR Doc. 85-21498 Filed 10-28-85; 8:45 am]

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Defense Programs (DP)

Completed Actions

COMPLETED RULEMAKINGS

427. 10 CFR PART 1017 - IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

Legal Authority: 42 USC 2168

CFR Citation: 10 CFR 1017

Abstract: Section 148 of the Atomic Energy Act of 1954, as amended (42 USC 2168) requires the Secretary to withhold certain unclassified information pertaining to the design of production facilities and utilization facilities; security measures relating to the protection of production or utilization facilities, nuclear materials contained in such facilities, and nuclear materials in transit, and the design, manufacture, or utilization of atomic weapons or components thereof, if such information was declassified or removed from the Restricted Data category.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	48 FR 13988
NPRM Comment Period Begin	04/01/83	48 FR 20091
NPRM Comment Period End	06/04/83	
ANPRM	03/01/84	
NPRM	08/03/84	49 FR 31236
Public Hearing	09/13/84	49 FR 31236
Final Action	04/22/85	50 FR 15818
Final Action Effective	05/22/85	50 FR 15818

Small Entity: No

Agency Contact: Paul R. Laplante, Program Analyst, Department of Energy, Defense Programs, Division of Policy and Planning, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1870

RIN: 1992-AA04

428. LIMITED ARREST AUTHORITY AND USE OF FORCE BY PROTECTIVE FORCE OFFICERS

Legal Authority: 42 USC 2011 et seq

CFR Citation: 10 CFR 1047

Abstract: The regulations in this part establish the limits and conditions on the arrest authority provided to DOE and DOE contractor protective force officers under Section 161.k of the Atomic Energy Act of 1954, as amended. The regulations also describe the circumstances under which physical force, including deadly force as necessary, may be used to effect arrests under the Act.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30638
NPRM Comment Period Begin	07/31/84	49 FR 30638
NPRM Comment Period End	09/07/84	
Final Action	07/31/85	50 FR 30926
Final Action Effective	08/30/85	50 FR 30926

Small Entity: No

Agency Contact: Barry L. Rich, Chief, Physical Protection, Department of Energy, Defense Programs, Office of Safeguards and Security, DP-343 MS D-315, Washington, DC 20545, 301 353-4243

RIN: 1992-AA10

[FR Doc. 85-21496 Filed 10-28-85; 8:45 am]
BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Current and Projected Rulemakings

429. LOAN GUARANTEE FOR DEVELOPMENT OF UNDERGROUND COAL MINES AND CONSTRUCTION OF COAL PREPARATION PLANTS

Legal Authority: 42 USC 6211

CFR Citation: 10 CFR 300, (Revision)

Abstract: The Coal Loan Guarantee Program is designed to encourage and assist relatively small coal producers to increase the nation's coal production from low-sulfur underground coal mines; to enhance competition within the coal industry; to encourage new market entry by small coal producers who, historically, have been unable to obtain adequate long-term financing; and to encourage the construction of coal preparation plants designed to reduce the sulfur content of coal.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Peter Muchunas, Program Manager, Department of Energy, Departmental and Others, FE-23, Germantown, MD, 301 353-2603

RIN: 1901-AA02

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Completed Actions

COMPLETED RULEMAKINGS

430. STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE -- AMENDMENT

Legal Authority: 42 USC 10222 Sec 302 of the Nuclear Waste Policy Act of 1982

CFR Citation: 10 CFR 961.11

Abstract: A standard contract has been established at 10 CFR Part 961, to be used by DOE in furnishing disposal services to the owners and generators of spent nuclear fuel and/or high-level radioactive waste.

Timetable:

Action	Date	FR Cite
NPRM	02/22/84	49 FR 6500
NPRM Comment Period Begin	02/22/84	49 FR 6500
NPRM Comment Period End	03/23/84	
Withdrawn	05/30/85	

Small Entity: No

Additional Information: A related data collection form was published for comment on July 20, 1984 (49 FR 29442).

Agency Contact: Ben C. Rusche, Director, Department of Energy, Departmental and Others, OCRWM RW-1, Room 5A-085, 1000 Independence Ave., SW, Washington, DC 20585, 202 252-6850

RIN: 1901-AA03

431. SPECIAL RESEARCH GRANTS PROGRAM

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Abstract: The regulation would implement a program of special research grants to facilitate the use of grants by the DOE Office of Energy Research in support of basic and applied research and related activities. It would supplement DOE's Financial Assistance Rules by providing specific procedures for the program. The regulation will not impose additional burdens, but will provide a comprehensive procedural mechanism for funding research through grants.

Timetable:

Action	Date	FR Cite
NPRM	11/07/84	49 FR 44590
NPRM Comment Period Begin	11/07/84	49 FR 44590
NPRM Comment Period End	12/24/84	
Final Action	04/15/85	50 FR 14856
Final Action Effective	05/15/85	50 FR 14856

Small Entity: No

Agency Contact: Robert A. Zich, Director, Acquisition Management Division, Department of Energy, Departmental and Others, Office of Energy Research (ER-64), Washington, DC 20545, 301 353-5544

RIN: 1901-AA04

[FR Doc. 85-21496 Filed 10-28-85; 8:45 am]

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)

Economic Regulatory Administration (ERA)

Current and Projected Rulemakings

432. REVIEW AND ESTABLISHMENT OF NATURAL GAS CURTAILMENT PRIORITIES FOR INTERSTATE PIPELINES

Legal Authority: 42 USC 7151; 42 USC 7172; 15 USC 3391 to 3393

CFR Citation: 10 CFR 598

Abstract: The proposed rule establishes natural gas curtailment priorities applicable to deliveries by interstate pipelines during periods when not enough gas is available to supply all customers. The proposed rule implements the rulemaking requirements of Title IV of the Natural Gas Policy Act of 1978 by establishing curtailment priorities for high priority uses and for essential agricultural and essential industrial feedstock and process uses.

Timetable:

Action	Date	FR Cite
NPRM	07/02/80	45 FR 45098

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: FERC currently is reviewing the proposed rule pursuant to section 404 of the DOE Act. FR will be issued approximately six weeks after FERC concurrence is received. A regulatory flexibility analysis is not required in regard to this rule since the notice of proposed rulemaking was issued prior to January 1, 1981.

Agency Contact: Paula Daigneault, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9482

RIN: 1903-AA00

433. ADMINISTRATIVE PROCEDURES FOR ADJUSTMENTS OF NATURAL GAS CURTAILMENT PRIORITY REGULATIONS

Legal Authority: 15 USC 3412; 42 USC 7101; 5 USC 553

CFR Citation: 10 CFR 580; 10 CFR 585

Abstract: This rule proposes procedures for seeking interpretations, modifications, or rescissions of natural gas curtailment priority regulations for essential agricultural uses. The Federal Energy Regulatory Commission (FERC) took jurisdiction over the proposed rule on June 15, 1979, under Section 404 of the DOE Organization Act, and the matter is currently at FERC.

Timetable:

Action	Date	FR Cite
NPRM	05/07/79	44 FR 27676
NPRM Comment Period Begin	05/11/79	44 FR 27676
NPRM Comment Period End	06/08/79	

Next Action Undetermined

Small Entity: No

Agency Contact: Paula Daigneault, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9482

RIN: 1903-AA04

[FR Doc. 85-21496 Filed 10-28-85; 8:45 am]

BILLING CODE 6450-01-T

434. FINANCIAL ASSISTANCE REGULATIONS; COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 41 USC 501 Fed Grant & Coop Agreement Act of 1977, as amended

CFR Citation: 10 CFR 600C

Abstract: This proposed rule will revise the existing Subpart C. The purpose of the revision is to conform DOE policy on cooperative agreement award and administration with government-wide policy.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	
NPRM Comment Period Begin	08/30/85	
NPRM Comment Period End	10/30/85	
Final Action	12/15/85	
Final Action Effective	01/15/86	

Small Entity: No

Agency Contact: Cherlyn Seckinger, Procurement Analyst, Department of Energy, Management and Administration, MA-421.2, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-8190**

RIN: 1991-AA03

435. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.20; 10 CFR 600.102; 10 CFR 600.103; 10 CFR 600.106; 10 CFR 600.108; 10 CFR 600.114; 10 CFR 600.115; 10 CFR 600.119

Abstract: The revised regulation will propose modified and simplified policies and procedures with respect to research administration. Other technical amendments will be made as necessary.

Timetable:

Action	Date	FR Cite
NPRM	08/12/85	
NPRM Comment Period Begin	08/12/85	
NPRM Comment Period End	09/10/85	
Final Action	10/15/85	
Final Action Effective	11/15/85	

Small Entity: No

Agency Contact: Thomas Reynolds, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9737

RIN: 1991-AA21

436. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 950

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements. The Department also plans to revise Part 950 of the DEAR regarding extraordinary contract actions to describe how such requests will be handled. Neither of the actions is anticipated to have any cost impact.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	
NPRM Comment Period Begin	12/01/85	
NPRM Comment Period End	01/31/86	
Final Action	03/01/86	
Final Action Effective	04/01/86	

Small Entity: No

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-421.1, Washington, DC 20585, **202 252-8250**

RIN: 1991-AA23

437. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 2011 et seq; 42 USC 7154

CFR Citation: 48 CFR 970

Abstract: To update and revise the regulations governing the subcontracting practices of DOE management and operating contracting.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	
NPRM Comment Period Begin	12/31/85	
NPRM Comment Period End	02/01/86	
Final Action	05/01/86	
Final Action Effective	06/01/86	

Small Entity: No

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 252-8247

RIN: 1991-AA25

438. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 7254 Department of Energy Organization Act

CFR Citation: 48 CFR 914; 48 CFR 933; 48 CFR 952; 48 CFR 970

Abstract: To provide new bid protest procedures. This action is the Department's Implementation of the government-wide policy of the Federal Acquisition Regulation required by the Competition in Contracting Act.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 13053
NPRM Comment Period Begin	03/27/85	50 FR 13053
NPRM Comment Period End	05/28/85	
Final Action	11/01/85	
Final Action Effective	12/01/85	

Small Entity: No

Agency Contact: G. L. Allen, Director, Business Clearance, Department of Energy, Management and Administration, 1000 Independence Ave SW, Washington, DC 20585, 202 252-1526

RIN: 1991-AA26

439. ● UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 4601

CFR Citation: 10 CFR 1039

Abstract: Provides implementation of PL 91-646 (Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Policies Act of 1970), which requires that owners of real property that will be acquired for Federal or Federally assisted programs and persons displaced from their dwellings, businesses, or farms as a result of such acquisition be provided fair, consistent, and equitable treatment.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21712
NPRM Comment Period Begin	05/28/85	
NPRM Comment Period End	07/29/85	
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Donald G. Trost, Realty Officer, Department of Energy, Management and Administration, Management & Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1191

RIN: 1991-AA27

440. ● DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATION

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Abstract: To update the Property Management Regulations in light of recent developments.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	
NPRM Comment Period Begin	11/01/85	
NPRM Comment Period End	12/01/85	
Final Action	02/01/86	
Final Action Effective	03/15/86	

Small Entity: No

Agency Contact: Robert Wilson, Property Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave SW, Washington, DC 20585, 202 252-8252

RIN: 1991-AA28

441. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 2168 Atomic Energy Act; 42 USC 7254 Department of Energy Organization Act

CFR Citation: 48 CFR 904; 48 CFR 952

Abstract: To protect personal proprietary or other sensitive data not subject to National Security Regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/21/85	50 FR 25722
NPRM Comment Period Begin	06/21/85	50 FR 25722
NPRM Comment Period End	07/22/85	
Final Action	10/01/85	
Final Action Effective	11/01/85	

Small Entity: No

Agency Contact: Laura Bick, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave, SW, Washington, DC 20585, 202 252-8246

RIN: 1991-AA29

442. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 7101 Department of Energy Organization Act

CFR Citation: 48 CFR 914; 48 CFR 915; 48 CFR 952

Abstract: To reduce paperwork burdens associated with the preparation of Representations and Certifications by Prospective Contractors.

Timetable:

Action	Date	FR Cite
NPRM	05/22/85	50 FR 21087
NPRM Comment Period Begin	05/22/85	50 FR 21087
NPRM Comment Period End	06/21/85	
Final Action	09/01/85	
Final Action Effective	10/01/85	

Small Entity: No

Agency Contact: Richard Langston, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave. SW, Washington, DC 20585, 202 252-8264

RIN: 1991-AA30

443. ● DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 7501 et seq

CFR Citation: 10 CFR 600.2; 10 CFR 600.104; 10 CFR 600.109; 10 CFR 600.120; 10 CFR 600.123; 10 CFR 600.300 et seq

Abstract: The revised regulation would implement the Single Audit Act of 1984 (PL 98-502) and OMB Circular A-128 and make necessary technical and conforming amendments.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	
NPRM Comment Period Begin	08/30/85	
NPRM Comment Period End	09/30/85	

Small Entity: No

Agency Contact: Ellen Feinsilber, Chief, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-8173

RIN: 1991-AA31

444. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 945

Abstract: To revise standards relative to contractor acquisition of government property.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	
NPRM Comment Period Begin	11/05/85	
NPRM Comment Period End	12/05/85	
Final Action	01/25/86	
Final Action Effective	02/25/86	

Small Entity: No

Agency Contact: Edward Pietsch, Property Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave. SW, Washington, DC 20585, 202 252-8252

RIN: 1991-AA32

445. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 7254 Department of Energy Organization Act

CFR Citation: 48 CFR 902; 48 CFR 904; 48 CFR 913; 48 CFR 915; 48 CFR 917; 48 CFR 919; 48 CFR 925; 48 CFR 952; 48 CFR 970

Abstract: This action is for the purpose of updating the Acquisition Regulation as a result of changes in the Federal Acquisition Regulation and Internal Procedures. It discontinues the use of DOE Small Purchase Forms as GSA has issued forms for that purpose. It increases the threshold for formal source evaluation boards from $5 to $10 million. It adds a new solicitation provision entitled "Buy America Act - Construction Materials." It also provides new guidance on Small Business Subcontract Plans Under Management Contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/01/85	
NPRM Comment Period Begin	09/01/85	
NPRM Comment Period End	10/01/85	
Final Action	12/01/85	
Final Action Effective	01/01/66	

Small Entity: No

Agency Contact: Pam Bolling, Procurement Clerk, Department of Energy, Management and Administration, 1000 Independence Ave, SW, Washington, DC 20585, 202 252-8251

RIN: 1991-AA33

446. ● DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.117

Abstract: This revision would update and clarify the property provisions of the rule.

Timetable:

Action	Date	FR Cite
NPRM	12/15/85	
NPRM Comment Period Begin	12/15/85	
NPRM Comment Period End	01/15/86	

Small Entity: No

Additional Information: Related to 1991-AA21.

Agency Contact: Thomas Reynolds, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9737

RIN: 1991-AA34

447. ● DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.6; 10 CFR 600.7; 10 CFR 600.9; 10 CFR 600.14

Abstract: This regulatory revision would establish additional coverage of circumstances under which financial assistance awards can be made on the basis of restricted eligibility.

Timetable:

Action	Date	FR Cite
NPRM	09/15/85	
NPRM Comment Period Begin	09/15/85	
NPRM Comment Period End	10/15/85	

Small Entity: No

Additional Information: Related to 1991-AA21.

Agency Contact: Thomas Reynolds, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9737

RIN: 1991-AA35

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Completed Actions

COMPLETED RULEMAKINGS

448. NONDISCRIMINATION ON THE BASIS OF AGE

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975

CFR Citation: 10 CFR 1040.81 to 1040.89-13

Abstract: Prohibits discrimination on basis of age in programs or activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	09/25/81	46 FR 49456
Final Action	02/27/85	46 FR 49456

Small Entity: No

Additional Information: These regulations were not approved by HHS until July 13, 1984, therefore, they have not previously been reported on the agenda.

Public Compliance Cost: Initial Cost: $40,000; Yearly Recurring Cost: $11,000; Base Year for Dollar Estimates: 1985

Government Levels Affected: Local, State

Agency Contact: Barry W. Haley, Manager, Federally Assisted Programs, Department of Energy, Management and Administration, Office of Equal Opportunity, 1000 Independence Avenue, SW (4b-112), Washington, DC 20585, 202 252-2230

RIN: 1991-AA22

449. DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: PL 98-369 Competition in Contracting Act of 1984; 42 USC 7101 Department of Energy Organization Act

CFR Citation: 48 CFR 901; 48 CFR 902; 48 CFR 903; 48 CFR 904; 48 CFR 905; 48 CFR 906; 48 CFR 914; 48 CFR 915; 48 CFR

919; 48 CFR 924; 48 CFR 928; 48 CFR 943; 48 CFR 950; 48 CFR 952; 48 CFR 970

Abstract: Public Law 98-369 provided for increased competition in Federal contracting. The Federal Acquisition Regulation was amended by an interim rule, 50 FR 1726, to implement the new statute. This rule reflects the Department's implementation of the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/29/85	50 FR 3935
NPRM Comment Period Begin	01/29/85	50 FR 3935
NPRM Comment Period End	02/28/85	
Final Action	03/27/85	50 FR 12180
Final Action Effective	04/01/85	

Small Entity: No

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave, NW, Washington, DC 20585, 202 252-8264

RIN: 1991-AA24

COMPLETED REVIEWS

450. SECURITY POLICIES AND PRACTICES RELATING TO LABOR-MANAGEMENT RELATIONS

Legal Authority: PL 95-91

CFR Citation: 10 CFR 706

Abstract: The review of 10 CFR Part 706 is completed. The department is not planning to revise the existing regulation at this time.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/83	
End Review	07/31/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Juanita E. Smith, Department of Energy, Management and Administration, MA-26A, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9023

RIN: 1991-AA04

[FR Doc. 85-21496 Filed 10-28-85; 8:45 am]

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

451. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
NPRM Comment Period End	11/00/86	

Small Entity: No

Agency Contact: Susan Fonner, Acting Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1522

RIN: 1990-AA00

452. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 784; 41 CFR 9-9.109-6

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
NPRM Comment Period Begin	09/30/85	
NPRM Comment Period End	11/30/85	

Small Entity: Undetermined

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-2806

RIN: 1990-AA02

453. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Susan Fonner, Acting Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1522

RIN: 1990-AA04

454. ● CLARIFICATION OF THE TERM BYPRODUCT MATERIAL

Legal Authority: 42 USC 2011 et seq (Atomic Energy Act of 1954)

CFR Citation: 10 CFR 962, (new)

Abstract: This regulation will clarify the application of the term Byproduct Material, as defined in section 11(e) (1) of the Atomic Energy Act (42 USC 2014(e) (1)) to Department of Energy owned or produced radioactive waste substances, for the purpose of determining which of these waste substances are Byproduct Material under the Atomic Energy Act, and are therefore not "solid waste" as that term is defined in the Resource Conservation and Recovery Act (42 USC 6901 et seq).

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	10/00/85	
Final Action	11/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Agency Contact: Henry K. Garson, Assistant General Counsel for Environment, Department of Energy, Office of General Counsel, GC-11, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-6947**

RIN: 1990–AA05

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Completed Actions

COMPLETED RULEMAKINGS

455. PATENT LICENSING REGULATIONS

Legal Authority: 35 USC 208

CFR Citation: 10 CFR 781

Abstract: The regulation prescribes procedures, standards, terms, and conditions for obtaining a license to practice a DOE-owned invention, either exclusively or non-exclusively. Current government-wide regulations exist (37 CFR Part 404).

Timetable:

Action	Date	FR Cite
Begin Review	04/01/83	
Withdrawn	08/01/85	

Small Entity: Undetermined

Agency Contact: Robert J. Marchick, Assistant for Licensing, Department of Energy, Office of General Counsel, 1000 Independence Ave, SW, Washington, DC 20585, **202 252-2806**

RIN: 1990–AA01

456. RULES FOR FACT-FINDING CONFERENCES IN DEBARMENT AND SUSPENSION CASES

Legal Authority: 10 CFR 1035.8(d)(4)

CFR Citation: 10 CFR 1035, Appendix A

Abstract: An amendment will be issued to conform the Rules for Fact Finding Conferences to one of the planned amendments to the DOE Debarment and Suspension Rules, 10 CFR Part 1035.

Timetable:

Action	Date	FR Cite
Withdrawn	06/01/85	

Small Entity: No

Additional Information: The Secretary is responsible for issuing and maintaining (amending) the DOE Debarment and Suspension Rules, 10 CFR Part 1035. The General Counsel is responsible for Appendix A of 10 CFR Part 1035.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Carol Cowgill, Attorney Adviser, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW, Washington, DC 20585, **202 252-6902**

RIN: 1990–AA03

[FR Doc. 85-21498 Filed 10-28-85; 8:45 am]
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Federal Register

Tuesday
October 29, 1985

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

HHS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-IV

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on April 29, 1985.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: John J. Phelan, Associate Executive Secretary/Regulations, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 245-3475.

David A. Rust,

Executive Secretary.

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
457	Nondiscrimination Requirement Applicable to Block Grants and Community Economic Development and Head Start Programs - Including Nondiscrimination on the Bases of Sex and Religion	0991-AA02
458	Rulemaking Relating to Public Property, Loans, Grants, Benefits, and Contracts	0991-AA08
459	Privacy Act Regulation	0991-AA11
460	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
461	Automatic Data Processing Equipment and Services -- Conditions for Federal Financial Participation	0991-AA14
462	Enforcement of Nondiscrimination on the Basis of Handicap in the Department of Health and Human Services	0991-AA17
463	Medicare Physician Fee Freeze Sanctions	0991-AA20
464	Revision of Sanction Regulations	0991-AA21
465	Block Grant Programs	0991-AA25
466	Administration of Grants - Implementation of OMB Circular A-102	0991-AA27
467	Income and Eligibility Verification Procedures	0991-AA28
468	Administration of Grants-Implementation of OMB Circular A-88	0991-AA29
469	Administration of Grants-Single Audit Act of 1984	0991-AA30

Office of the Secretary—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
470	Public Information Regulation	0991-AA07
471	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
472	Medicare and Medicaid Fraud and Abuse Technical Amendments	0991-AA31

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
473	Administration of Grants to States Other Than Block Grants or Open-Ended Grants	0991-AA10
474	Determination of Adequacy of Contractors' Accounting and Billing Systems and Preparation of Invoices	0991-AA15

HHS

Departmental Management—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
475	Claims Collection	0990-AA00
476	Grants to States for Public Assistance Programs	0990-AA01

Office of Human Development Services—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
477	Grants for State and Community Programs on Aging; Grants to Indian Tribes for Supportive & Nutrition Services--Final Rules	0980-AA02
478	Foster Care Maintenance Payments, Adoption Assistance, and Child Welfare Services -- Notice of Proposed Rulemaking	0980-AA08
479	Work Incentive Program for AFDC Recipients under Title IV of the Social Security Act--Final Rules	0980-AA09
480	Head Start Program--Final Rule	0980-AA10
481	Runaway and Homeless Youth Program--Notice of Proposed Rulemaking	0980-AA11
482	Developmental Disabilities Program--Notice of Proposed Rulemaking	0980-AA12
483	Child Abuse & Neglect Prevention & Treatment Program--Final Rules	0980-AA14

Office of Human Development Services—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
484	Head Start Program-Prerulemaking Action	0980-AA15

Office of Human Development Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
485	Child Abuse & Neglect Prevention & Treatment Program--Final Rules	0980-AA13

Social Security Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
486	Supplemental Security Income Program; Effective Date of Application and Proration of Initial SSI Benefit Payment	0960-AA03
487	Supplemental Security Income Programs; Mandatory Pass Through Under State Supplementation Provisions	0960-AA05
488	Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments	0960-AA13
489	General Administration-Public Assistance Programs; AFDC; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing System	0960-AA16
490	Supplemental Security Income Program; Reductions, Suspensions and Terminations	0960-AA22
491	Supplemental Security Income Program; Age 18 and Alien Deeming	0960-AA26
492	Supplemental Security Income Program; Eligibility, Amount of Benefits, Income, Resources, State Supplementary Provisions, Agreements, Payments	0960-AA27
493	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Future Effect of Applications and Related Changes in Appeals Council Procedures	0960-AA28
494	Aid to Families With Dependent Children Program; Computing a Supplemental Payment in States Required to Do So by Section 402(a)(28) of the Social Security Act	0960-AA33
495	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Revised Medical Criteria for Determination of Disability	0960-AA41
496	Aid to Families With Dependent Children Program; Least Costly Approach	0960-AA43

HHS

Social Security Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
497	Old-Age, Survivors, and Disability Insurance Program and Supplemental Security Income Program; Disability Hearings at the Reconsideration Level	0960-AA49
498	Old-Age, Survivors, and Disability Insurance Program; Provision for Inferring a Person Is Dead	0960-AA54
499	Old-Age, Survivors, and Disability Insurance Program; Wage Coverage Under Social Security	0960-AA55
500	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
501	Old-Age, Survivors, and Disability Insurance Program; Benefits for Divorced Spouses Before Entitlement of Insured Worker	0960-AA60
502	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Payment of Certain Travel Expenses	0960-AA61
503	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; New Benefit Computations for Cost-of- Living Adjustment, for Delayed Retirement Credit, and for ETC	0960-AA62
504	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Simplified Fee Process for Representatives of Claimants	0960-AA64
505	Old-Age, Survivors, and Disability Insurance Program; Elimination of Windfall Benefits for Persons Receiving Pensions From Noncovered Employment	0960-AA65
506	Supplemental Security Income Program; Temporary Residents of Emergency Shelters for the Homeless	0960-AA70
507	Aid to Families With Dependent Children and Supplemental Security Income Programs; Disregarding of Support and Maintenance Assistance Based on Need	0960-AA71
508	Supplemental Security Income Program; Resource Limits for Conditional SSI Payments	0960-AA75
509	Old-Age, Survivors, and Disability Insurance Program; Residency Requirement for Paying Benefits to Non-Resident Aliens	0960-AA76
510	Old-Age, Survivors, and Disability Insurance Program; Indexing for Widow(er)'s Benefits; Effect of Remarriage on Widow(er)'s Entitlement; Reduction of Disabled Widow(er)'s Benefits; ETC	0960-AA77
511	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Categories of Impairments	0960-AA79
512	Aid to Families With Dependent Children; Reduction of Federal Funds for Unreported Child Support Collections	0960-AA83
513	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0960-AA85
514	Aid to Families With Dependent Children; Consideration of Utility Payments Made By Tenants in Housing and Urban Development Assisted Housing	0960-AA87
515	Old-Age, Survivors, and Disability Insurance Program; Coverage of Certain Federal Employees; Coverage of Earnings of Federal Judges	0960-AA89
516	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs Treatment of OASDI and SSI Lump Sum Payments in the Aid to Families with Dependent Children Program	0960-AA90
517	Supplemental Security Income Program; The Automobile, Property Essential to Self-Support, the Home	0960-AA92
518	Public Assistance Programs, Duplicate Assistance Payments	0960-AA96
519	Old Age, Survivors, and Disability Insurance Program; Black Lung Program; and Supplemental Security Income Program; Office of Management & Budget Control Numbers for Approved Information ETC	0960-AA97
520	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
521	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
522	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
523	Aid to Families With Dependent Children Program, Treatment of Assigned Support Payments Received Directly and Retained by AFDC Applicants or Recipients	0960-AB02
524	Aid to Families With Dependent Children Program; Office of Management and Budget Control Numbers for Information Collection Requirements Contained in AFDC Regulations	0960-AB04
525	Black Lung Program; Establishing Dependency of Surviving Divorced Wife and Computation of Basic Rate	0960-AB05
526	Aid to Families With Dependent Children; Application of Federal Financial Participation of Recovered Incorrect Payments to Quality Control Disallowances	0960-AB06
527	Aid to Families With Dependent Children Program; Income and Eligibility Verification Systems	0960-AB07
528	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0960-AB08
529	Supplemental Security Income Program; Income; Bills Paid for You	0960-AB09
530	Supplemental Security Income Program; Resources; Exclusion of Underpayments	0960-AB11
531	Old-Age, Survivors, and Disability Insurance Program; Black Lung Program; Opportunity for Oral Hearing Before Benefit Recovery	0960-AB17
532	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Personal Appearance Demonstration Projects	0960-AB20
533	Old Age Survivors Disability Insurance and Supplemental Security Income Program; Frequency of Periodic Reviews	0960-AB21
534	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Medical Evidence	0960-AB22
535	Supplemental Security Income Program; Increase in Dollar Limitation Under Assets Test	0960-AB23

HHS

Social Security Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
536	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standard of Review for Termination of Disability Benefits and Periods of Disability	0960-AB25
537	Supplemental Security Income Programs; Assignment of Rights to Third-Party Medical Payments to State	0960-AB28
538	Supplemental Security Income Program; How We Count Unearned Income	0960-AB29
539	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continuation of Benefits During Appeal	0960-AB30
540	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Qualifications of Medical Professionals Evaluating Mental Impairments	0960-AB31
541	Supplemental Security Income Program; Treatment of Overpayments When Recipient's Countable Assets Exceed Limits in Certain Cases	0960-AB32
542	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0960-AB33
543	Old-Age, Survivors, and Disability Insurance Program Reopening and Revising Determinations and Decisions Where There is Clear Error or New and Material Evidence	0960-AB34
544	Supplemental Security Income Programs; Eligibility; Continuation of Benefits and Eligibility for Certain Severely Impaired Recipients Who Work	0960-AB35
545	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Compliance With Federal Law	0960-AB36
546	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
547	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
548	Old Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39
549	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
550	Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
551	Disclosure of Personal Information to Law Enforcement Agencies and Courts	0960-AB66
552	Aid to Families with Dependent Children Program; Food Stamp Program; Policy Consistency	0960-AB71
553	Aid to Families with Dependent Children Program; Administrative Improvement in the AFDC Program	0960-AB72
554	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjudication of Social Security Disability Claims (Pre-Rulemaking Activities)	0960-AB73
555	Refugee Resettlement Program; Refugee Cash and Assistance; Requirements for Job Search, Employment Services, and Employment; Refugee Medical Assistance; and Refugee Support Services	0960-AB74
556	Old Age, Survivors, Disability Insurance, and Supplemental Security Income Programs; Revised Medical Criteria for Determination of Disability; Alcoholism or Drug Addiction	0960-AB75
557	Old Age, Survivors, and Disability Insurance; Black Lung; and Supplemental Security Income Programs; Expansion of Bases for Disqualification of Claimant Representative	0960-AB76
558	Old Age, Survivors, and Disability Insurance Programs; Waiver of Adjustment or Recovery of Overpayments, and Liability of a Certifying Officer Against Equity and Good Conscience; Defined	0960-AB77
559	Old Age, Survivors, and Disability Insurance Programs; Overpayments, Underpayments, Waiver of Adjustment or Recovery of Overpayments, and Liability of a Certifying Officer--ETC	0960-AB78
560	Supplemental Security Income Program; Treatment of Trust Property that is Available for a Beneficiary's Support and Maintenance	0960-AB79
561	Old Age, Survivors, and Disability Insurance Programs; Amended Exceptions to Reduction Where Spouse is Receiving a Government Pension; Decreased Amount of Reduction	0960-AB80
562	Old Age, Survivors, and Disability Insurance Programs; Unlimited Reopening for Insured Status	0960-AB81
563	Old Age, Survivors, and Disability Insurance Programs; Period of Disability--When You May Not be Entitled to Benefits	0960-AB82
564	Old-Age, Survivors, and Disability Insurance Programs; Determining First Month of Entitlement Based on One-Half Support	0960-AB83
565	Old Age, Survivors, and Disability Insurance Programs; Withdrawal of an Application	0960-AB84
566	Organizations and Procedures; Availability of Information and Records to the Public--Social Security Rulings--Acquiescence Series	0960-AB85
567	Supplemental Security Income Program; Treatment of Alaska Native and Regional Village Corporation Dividend Distribution	0960-AB86
568	Old-Age, Survivors, and Disability Insurance Program; Reduction Because of Entitlements to Other Benefits	0960-AB87
569	Old Age, Survivors, and Disability Insurance Programs; Extension and Reextension Agreements for Assessment, Credit or Refund of Amounts Due or Overpaid by a State	0960-AB88
570	Old Age, Survivors, and Disability Insurance, Supplemental Security Income & Black Lung Programs--Own Motion Review of Fee Determination	0960-AB89
571	Old Age, Survivors, and Disability Insurance; Black Lung; Supplemental Security Income Programs; Component Recommendation that the Appeals Council Review ALJ Decisions	0960-AB90

HHS

Social Security Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
572	Aid to Families with Dependent Children Program; General Administration -- Public Assistance Program--Quality Control System	0960-AB91

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
573	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Revised Rules for Certain Medical Cessation Cases	0960-AA10
574	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Fee Schedule for Information	0960-AA15
575	Aid to Families With Dependent Children Program; Adjustment of Federal Share for Uncashed/Cancelled Checks	0960-AA29
576	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Time Limitations for Issuing Hearing Decisions and for Appeals Council Actions	0960-AA44
577	Old-Age, Survivors, and Disability Insurance Programs; Coverage of Employees of U.S. Non-Profit Organizations and Foreign Affiliates of American Employers; Coverage Under ETC	0960-AA63
578	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income; Changes of Time or Place of Hearings Before Administrative Law Judges, Notice of Hearings, and Dismissal ETC	0960-AA78
579	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Categories of Impairments-AIDS	0960-AA91
580	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Appendix 1 - Part A	0960-AA93
581	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Determinations of Disability- Performance Standard Revisions and Other Changes Involving ETC	0960-AA98
582	Old-Age, Survivors, and Disability Insurance Program; Qualifications of Medical Professionals Evaluating Mental Impairments	0960-AB15
583	Supplemental Security Income Program; Permanent Residence Under Color-of-Law	0960-AB24

Office of Child Support Enforcement—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
584	Interstate Child Support Enforcement	0992-AA17
585	Medical Support Enforcement	0992-AA12
586	OMB Control Numbers for Information Collection Requirements Contained in OCSE Regulations	0992-AA15
587	Medical Support Enforcement #2	0992-AA18
588	Prohibition of Federal Funding of Costs of Incarceration and Counsel for Indigent Absent Parents	0992-AA19
589	Disregard of Child Support Payments; Regulations Implementing the Deficit Reduction Act of 1984	0992-AA20

Office of Child Support Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
590	Treatment of Assigned Support Payments Received Directly and Retained by AFDC Recipients	0992-AA08
591	Revision of IV-D Program Audit Regulations	0992-AA13
592	Implementation of Child Support Enforcement Amendments of 1984	0992-AA16

HHS

Public Health Service—Office of Assistant Secretary for Health (OASH)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
593	Grants for Adolescent Pregnancy and Family Life Projects	0905-AA24

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
594	Confidentiality of Alcohol and Drug Abuse Patient Records	0905-AA26
595	Obligated Service for Mental Health Traineeships	0905-AB48

Public Health Service—Centers for Disease Control (CDC)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
596	Project Grants for Health Programs for Refugees	0905-AB43
597	Distribution of Reference Biological Standards and Biological Preparations	0905-AB49
598	Specifications for Medical Examinations of Underground Coal Miners	0905-AB51

Public Health Service—Centers for Disease Control (CDC)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
599	Improve Standards for Respirator Devices	0905-AB58

Public Health Service—Food and Drug Administration (FDA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
600	Obligations of Sponsors of Clinical Investigations	0905-AA03
601	Over-the-Counter (OTC) Drug Review	0905-AA06
602	Risk Assessment Policy for Regulating Carcinogenic Impurities in Food and Color Additives	0905-AA12
603	Revised Procedures Regarding Medicated Feed Applications	0905-AA15
604	Premarket Approval Application (PMA) Procedures	0905-AA19
605	Current Good Manufacturing Practice for Human Food	0905-AA72
606	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
607	Good Laboratory Practice for Nonclinical Laboratory Studies	0905-AA84
608	Exempt Infant Formula	0905-AA85
609	Irradiation in the Production, Processing, and Handling of Food	0905-AA88
610	Availability of Bulk New Animal Drug Substances for Use By Licensed Veterinarians	0905-AB01
611	Obligations of Clinical Investigators	0905-AB02
612	Animal Drug Safety Policy	0905-AB04
613	Reporting Requirements for Marketed Animal Drugs	0905-AB06
614	IND Regulations Revision	0905-AB09
615	Current Good Manufacturing Practice for Blood and Blood Components; Uniform Blood Labeling	0905-AB30
616	Nutrient Requirements for Infant Formula	0905-AB37
617	Sulfiting Agents; Labeling in Drugs for Human Use	0905-AB38
618	Labeling of Drug Products for Over-the-Counter Human Use (Exclusivity Policy)	0905-AB40
619	Food Labeling and Uses of Sulfiting Agents	0905-AB52

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Public Health Service—Food and Drug Administration (FDA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
620	Adverse Drug Experience Reporting Requirements for Marketed Prescription Drugs Without Approved New Drug or Abbreviated New Drug Applications	0905-AB53
621	Proposed Rule to Implement the Orphan Drug Act Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
622	Proposed User Charge; New Drug Applications, Abbreviated New Drug Applications, and Antibiotic Applications Review	0905-AB56
623	Provisionally Listed Color Additives	0905-AB60
624	Clinical Testing for New Drugs	0905-AB61
625	Antibody Test for HTLV-III; General Biological Products Stds.; Additional Standards for Human Blood and Blood Products; Serological Test for Human T-Lymphotropic Virus, Type III	0905-AB62
626	Implementation of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984" (Title I)	0905-AB63
627	Extension of Patents on Regulated Products (Title II of the "Drug Price Competition and Patent Term Restoration Act of 1984")	0905-AB65
628	Food Labeling Information Regarding Good Nutrition and Health	0905-AB67
629	Food Labeling; Label Claims for Foods on the Basis of Cholesterol Content	0905-AB68
630	Abbreviated New Animal Drug Applications for Post-1962 Animal Drugs	0905-AB72

Public Health Service—Food and Drug Administration (FDA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
631	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
632	New Animal Drug Approval Process; Review of NADA Rules	0905-AA96
633	Medical Device Amendments: Implementation Improvement	0905-AB54

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
634	National Environmental Policy Act; Policy and Procedures	0905-AA16

Public Health Service—Health Resources and Services Administration (HRSA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
635	Limitation on Federal Participation for Capital Expenditures Review Program Under Section 1122 of the Social Security Act	0905-AA39
636	Grants for Nurse Practitioner Traineeship Programs	0905-AA47
637	Training Grants for Preventive Medicine Residency Program	0905-AA50
638	National Health Service Corps (NHSC); Private Practice Option (PPO) Loans to Individuals	0905-AA57
639	Nursing Student Loan Program (NSL); Debt Management; Delinquency Rates	0905-AA58
640	Grants for Maternal and Child Health Services Federal Set-Aside Program	0905-AA61
641	Program Grants for Migrant Health Services	0905-AA62
642	Project Grants and Loans For Home Health Services and Training	0905-AB11
643	Primary Care Block Grant Program	0905-AB12
644	Indian Health Service, 42 CFR Part 36 Subpart I, Contracts Under the Indian Self-Determination Act: Amendments	0905-AB31
645	Grants for Nurse Anesthetists Traineeships	0905-AB33
646	Reasonable Volume of Uncompensated Services to Persons Unable to Pay (Hill-Burton)	0905-AB35
647	Revised HEAL Program Regulations	0905-AB46
648	Grants for Residency Training and Faculty Development in General Internal Medicine or General Pediatrics	0905-AB50
649	Reasonable Volume of Uncompensated Services to Persons Unable to Pay - Hill-Burton (Public Facilities)	0905-AB75
650	Nursing Student Loan Program (NSL); Debt Management: Delinquency Rates	0905-AB80
651	Grants for Hospital Construction and Modernization Federal Right of Recovery and Waiver of Recovery	0905-AB81
652	Health Professions Student Loan (HPSL) Program-Improved Program Management Regulations	0905-AB93

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Public Health Service—Health Resources and Services Administration (HRSA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
653	Nursing Student Loan (NSL) Program - Improved Program Managment Regulations	0905-AB95

Public Health Service—Health Resources and Services Administration (HRSA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
654	Indian Eligibility	0905-AB89

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
655	Limitation on Federal Participation for Capital Expenditures	0905-AA39
656	Standards for the Accreditation of Educational Programs for and the Credentialing of Radiologic Personnel	0905-AA49
657	Program Grants for Black Lung Clinics	0905-AA64
658	Health Professions Student Loan (HPSL) Program; Due Diligence	0905-AB14
659	Health Professions Student Loan Program: Performance Standard	0905-AB24

Public Health Service—National Institutes of Health (NIH)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
660	National Library of Medicine Programs. Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66
661	National Institutes of Health Center Grants 42 CFR 52a	0905-AA68
662	Grants for Research Projects, Fellowships; National Research Service Awards; Health and Human Service Acquisition Regulation	0905-AB91

Health Care Financing Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
663	Medicaid Overpayment Reporting Requirements	0938-AA04
664	Home Health Agencies: Financial Security Requirements	0938-AA13
665	Conditions of Participation for Hospitals	0938-AA23
666	Limitation on Payment for Services Furnished to Employed Aged, Their Spouses, and Spouses of Younger Employees	0938-AA31
667	Amending Cost Reports and Reopening Intermediary Payment Determinations and Administrative Review Decisions	0938-AA33
668	Recognition of State Reimbursement Control Systems	0938-AA34
669	Survey and Certification Procedures	0938-AA38
670	Physician Certification and Plan of Treatment Requirements	0938-AA46
671	Medicaid Eligibility	0938-AA58
672	Intermediate Sanction of Long-Term Care Facilities	0938-AA60
673	MMIS: (1) Definition of "Improvement" and "Mechanized Claims Processing and Information Retrieval System" and (2) Notice of the Medicaid Eligibility Determination and Information ETC	0938-AA63
674	Third Party Liability (TPL), Premium FFP Rates, Mandatory Assignment of Rights to Payments; Sources of State Fund	0938-AA65
675	Mental Retardation--Definition of "Persons with Related Conditions"	0938-AA78

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Health Care Financing Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
676	Payments to Institutions	0938-AB00
677	Benefit Period Determinations and Drug Regimen Reviews	0938-AB03
678	Miscellaneous Conforming Amendments	0938-AB05
679	Spenddown	0938-AB07
680	Relations with Other Agencies - Buy-In, and Miscellaneous Medicaid Definitions	0938-AB21
681	Changes to the Lesser of Costs or Charges Provisions	0938-AB29
682	Procedures for Determining Whether Providers, Practitioners, or Other Suppliers of Services are Liable for Certain Noncovered Services	0938-AB33
683	Forms Used for Claiming Payment	0938-AB34
684	Adjustment of Federal Share for Uncashed or for Cancelled (Voided) Medicaid Checks	0938-AB35
685	Revisions to Medicaid Payment for Inpatient Hospital and Long-Term Care Facility Services	0938-AB40
686	FFP for LTC Facilities after Termination of Provider Agreement	0938-AB42
687	Office of Management and Budget Request for Review of Reporting and Recordkeeping Requirements	0938-AB46
688	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
689	HMOs and CMPs; Deficit Reduction Act Provisions	0938-AB54
690	Physician Certification and Plan of Requirements and Inspection of Care Reviews	0938-AB55
691	Health Maintenance Organizations and Competitive Medical Plans; Enrollment Periods	0938-AB57
692	Hospice "Core" Services; Nursing	0938-AB58
693	Indirect Part B Payment Procedure	0938-AB59
694	Hospital Insurance Entitlement and Supplementary Medical Insurance Enrollment, Entitlement, and Premiums	0938-AB60
695	Payment for Services of Physicians in Teaching Settings, and Reasonable Compensation Equivalent Limits for Services Furnished by Physicians to Providers	0938-AB61
696	Treatment of Social Security Cost of Living Increases for Individuals Who Lose SSI Eligibility	0938-AB62
697	Medicare/Medicaid Revaluation of Assets	0938-AB64
698	ESRD Network Area Designation Procedures	0938-AB65
699	Information Collection Requirements for Subparts L, M, and Q of Part 405	0938-AB68
700	Changes to Return on Equity Capital and the Elimination of the Exception from the Cost Limits for New HHAs	0938-AB70
701	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
702	Payment Adjustments for Sole Community Hospitals	0938-AB72
703	Income and Eligibility Verification	0938-AB73
704	Standards for Intermediate Care Facilities for the Mentally Retarded	0938-AB76
705	Monthly Actuarial Rates and Part B Premium Rates Beginning 01/01/86	0938-AB80
706	Part A Premium for 12-Month Period Beginning 01/01/86	0938-AB81
707	Assignment and Reassignment of Home Health Agencies to Designated Regional Intermediaries	0938-AB84
708	Medicaid Eligibility--Quality Control	0938-AB85
709	SNF Cost Limits (Effective 10/01/85)	0938-AB86
710	Medicaid: Identification of Third Party Resources	0938-AB88
711	Limitations on the Reimbursement of Nonphysician Medical Services	0938-AB91
712	Conditions of Participation for Home Health Agencies	0938-AB93
713	Prescription Drug Reimbursement	0938-AB97
714	End Stage Renal Disease (ESRD) Network Coordinating Councils	0938-AB98
715	Hospital Based SNF Cost Limits	0938-AB99
716	Payment for Costs of Malpractice Insurance for Hospitals and Skilled Nursing Facilities	0938-AC00
717	Medicaid Coverage of Qualified Pregnant Women and Children and Newborn Children	0938-AC02
718	Payment to Health Maintenance Organizations and Competitive Medical Plans	0938-AC03
719	Determination of Reasonable Charges for Physician and Other Medical Services	0938-AC04
720	Medicare Recovery Against Third Parties and Medicare Secondary Payor	0938-AC05
721	Imposition of Coinsurance for Durable Medical Equipment Furnished as a Home Health Service	0938-AC06
722	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
723	Reasonable Charge Limitations	0938-AC08
724	Processing of Claims by Electronic Means as a Condition of Qualification for the Periodic Interim Payment Method of Reimbursement	0938-AC09
725	Patient Care and Services (PaCS) Survey Process	0938-AC10

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Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
726	Imposition of Cost Sharing Charges Under Medicaid	0938-AA02
727	MMIS: Conditions of Approval and Reapproval and Procedures for Reduction of Federal Financial Participation	0938-AA05
728	Withholding the Federal Share of Payments to Recover Medicare or Medicaid Overpayments	0938-AA09
729	Home and Community Based Services	0938-AA19
730	Federal Financial Participation for Inmates in Public Institutions and Individuals in an Institution for Mental Disease or Tuberculosis	0938-AA93
731	Claims Processing Assessment System	0938-AB04
732	Utilization and Quality Control Peer Review Organizations: Imposition of Sanctions on Health Care Practitioners and Providers of Health Care Services	0938-AB11
733	Utilization and Quality Control Peer Review Organization (PRO): Assumption of Medicare Review Functions and Coordination with Medicaid	0938-AB12
734	Acquisition Protection and Disclosure of Utilization and Quality Control Peer Review Organization Information	0938-AB13
735	PRO Reconsiderations and Appeals	0938-AB24
736	Medicare and Medicaid: Corrections and Conforming Changes	0938-AB25
737	Deficit Reduction Act of 1984; Information Notice on Medicare and Medicaid Amendments	0938-AB47
738	Hospital Prospective Payment Rates for FY 1986	0938-AB48
739	Medical Review for Skilled Nursing and Intermediate Care Facilities and Independent Professional Review for Institutions for Mental Disease	0938-AB53
740	HHA Cost Limits for Cost Reporting Periods Beginning on or After July 1, 1985	0938-AB74
741	Skilled Nursing Facility Cost Limits (effective 7/1/84) for Hospital-Based SNFs	0938-AB75
742	Redesignation of Prospective Payment Rules	0938-AB77
743	Inpatient Hospital Deductible (1986)	0938-AB78
744	Medicare Economic Index for Physicians' Services Beginning 10/01/85	0938-AB79
745	Review of Information Collection Requirements, Subparts L, M, Q of Part 405	0938-AB82
746	OMB Control Numbers for Collections of Information Contained in HCFA Regulations	0938-AB83
747	Home and Community-Based Services Waivers Expenditure Controls	0938-AB87

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Current and Projected Rulemakings

Office of the Secretary (OS)

457. NONDISCRIMINATION REQUIREMENT APPLICABLE TO BLOCK GRANTS AND COMMUNITY ECONOMIC DEVELOPMENT AND HEAD START PROGRAMS - INCLUDING NONDISCRIMINATION ON THE BASES OF SEX AND RELIGION

Legal Authority: 42 USC 9906; 42 USC 300w-7; 42 USC 300x-7; 42 USC 300y-9; 42 USC 728; 42 USC 8625; 42 USC 9821; 42 USC 9849

CFR Citation: 45 CFR 92

Abstract: To implement the nondiscrimination requirements applicable to block grants and the Community Economic Development and Head Start Programs authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Div., Department of Health and Human Services, Office of the Secretary, Div of PSP, Off of Mgmt & Pol, OCR, Rm. 5410, HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, 202 245-6671

RIN: 0991-AA02

458. RULEMAKING RELATING TO PUBLIC PROPERTY, LOANS, GRANTS, BENEFITS, AND CONTRACTS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 2

Abstract: These regulations state the Department's policy on the use of notice and comment procedures where they are not required by statute. The regulations have no direct budgetary impact.

Timetable:

Action	Date	FR Cite
NPRM	06/22/82	47 FR 26860

Next Action Undetermined

Small Entity: No

Agency Contact: Jeffrey A. Clair, Assistant to the Deputy General Counsel, Department of Health and Human Services, Office of the Secretary, Hubert Humphrey Building, Room 707F, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-6318

RIN: 0991-AA08

459. PRIVACY ACT REGULATION

Legal Authority: 5 USC 552a

CFR Citation: 45 CFR 5b

Abstract: This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate individuals' access to information and

records that the Department maintains about them in more than 400 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 118F, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA11

460. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 501

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Henry G. Kirschenmann, Jr., Deputy Assistant Secretary, Department of Health and Human Services, Office of the Secretary, Office of Procurement, Assist & Logistics, Rm 513D, HHH Bldg, 200 Independence Ave. SW, Washington, DC 20201, 202 245-8870

RIN: 0991-AA12

461. AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES -- CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.600; 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Abstract: This regulation is issued to simplify and make these regulations consistent with those regulations that govern availability of FFP at the enhanced matching rate for computerized systems for programs under titles IV-A, IV-D and XIX of the Social Security Act, to allow States more flexibility in implementing small systems, and to reduce paperwork.

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45617
NPRM Comment Period Begin	11/19/84	49 FR 45617
NPRM Comment Period End	01/18/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: The basic requirements of this proposed rule have been in effect for some time. This rulemaking is made to reduce regulatory requirements.

Agency Contact: Joseph F. Costa, Dir. Division of State Data Systems, Department of Health and Human Services, Office of the Secretary, Room 542F HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7488

RIN: 0991-AA14

462. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 85.1-62

Abstract: Implements the amendment made to Sec. 504 of the Rehabilitation Act of 1973 by Pub.L. 95-602 in 1978, which extended Sec. 504 to the Federal sector. The proposed Part 85 is modeled on Part 84 which implements Sec. 504 with respect to recipients of Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: Frank E.G. Weil, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue SW, Room 5416, Washington, DC 20201, 202 245-6671

RIN: 0991-AA17

463. MEDICARE PHYSICIAN FEE FREEZE SANCTIONS

Significance: Agency Priority

Legal Authority: PL 98-369, Sec 2306

CFR Citation: 42 CFR 420; 45 CFR 101

Abstract: This rule sets forth OIG procedures for imposing civil money penalties and Medicare program exclusions on physicians who choose not to be participating physicians and who raise charges to Medicare beneficiaries in violation of the freeze on such fees contained in PL 98-369, Sec. 2306. The rule also modifies existing regulations to permit the OIG to impose civil money penalties and assessments on those who choose to be participating physicians under Medicare and who violate their participation agreements as set forth under Sec. 2306.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	11/00/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: Provisions dealing with two technical amendments to OIG's fraud and abuse authorities - PL 98-369, Sections 2348 and 2370 - as

well as conforming rule changes to reflect the redelegation of the Medicare/Medicaid fraud and abuse authorities to the OIG have been separated out into an interim final rule with comment period.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Department of Health and Human Services, Office of the Secretary, Office of Inspector Gen., 1849 Gwynn Oak Avenue, Baltimore, MD 21207, 301 594-3957

RIN: 0991–AA20

464. REVISION OF SANCTION REGULATIONS

Legal Authority: PL 98-369, Sec 2333; 42 USC 1395yd; 42 USC 1320a7; 42 USC 1302; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 420; 42 CFR 455

Abstract: This regulation will incorporate Section 2333 of P.L. 98-369 which provides authority to exclude entities that employees practitioners convicted of Medicare or Medicaid related offenses in key management positions or where an individual convicted of Medicare or Medicaid offenses has a five percent or more ownership interest. NPRM will also make substantive revision and clarify certain legal issues in the existing OIG sanction regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 1849 Gwynn Oak Avenue, Baltimore, MD 21207, 301 594-3957

RIN: 0991–AA21

465. ● BLOCK GRANT PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 9901; 42 USC 300w; 42 USC 8621; 42 USC 300x

CFR Citation: 45 CFR 96

Abstract: In the past session of Congress, four of the Department's block grants were reauthorized and certain requirements imposed on the States and other recipients were changed. The block grants include those for Alcohol and Drug Abuse and Mental Health Services; Preventive Health and Health Services; Low-Income Energy Assistance and Community Services. In addition, Congress enacted the Single Audit Act of 1984 which substantially changes the Federal audit requirements imposed upon State and local governments and modifies Federal agency responsibility for oversight of those audits. These legislative changes necessitate changes in the Department's block grant regulation issued July 6, 1982. Alternative measures for addressing the problem are not being considered. None of the proposed legislative changes will involve substantial cost. Approval of the NPRM will ensure Departmental compliance with the legislation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Robert C. Raymond, Deputy Director, Program Systems, Department of Health and Human Services, Office of the Secretary, Room 447-D, Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-7316

RIN: 0991–AA25

466. ● ADMINISTRATION OF GRANTS - IMPLEMENTATION OF OMB CIRCULAR A-102

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74

Abstract: This action will implement revised OMB Circular No. A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current HHS regulation codified at 45 CFR Part 74 was written by HHS to implement both Circular No. A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. Revised Circular A-102 will require us to adopt essentially verbatim a common regulation drafted by OMB and affecting governmental grantees only.

Timetable:

Action	Date	FR Cite
Notice of Proposed Revision of Circular A-102 published by OMB	06/18/84	49 FR 24958
NPRM	01/00/86	
Final Action Effective	09/00/86	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513-D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991–AA27

467. ● INCOME AND ELIGIBILITY VERIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 205; 45 CFR 206; 45 CFR 232; 42 CFR 431; 42 CFR 435

Abstract: These regulations implement Section 2651 of The Deficit Reduction Act. It requires Federal and State governments to develop income and eligibility verification systems for Federally funded assistance and beneficiary programs. These provisions will have a significant beneficial impact on our ability to control errors and to reduce fraud, waste and abuse in AFDC and Medicaid. These regulations establish the procedures for the development and operation of State Income and Eligibility Verification Systems. These systems will enable Federally funded welfare and unemployment agencies to make more accurate eligibility determinations and benefit payments by exchanging information with each other and by obtaining unearned income data from the Internal Revenue Service and other income and wage data from the Social Security Administration and from State employment data files.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10450
NPRM Comment Period Begin	03/14/85	50 FR 10450
NPRM Comment Period End	04/29/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: These Regulations are being issued in conjunction with regulations being issued by the Departments of Agriculture and Labor to provide consistency of implementation with the Federally assisted benefit programs of these departments.

Agency Contact: Sheldon Shalit, Dir., Division of Payment Integrity, Department of Health and Human Services, Office of the Secretary, OSSSR, AASMB, 528E, HHH, 200 Independence Ave., SW, Washington, DC 20201, 202 245-7354

RIN: 0991-AA28

468. ● ADMINISTRATION OF GRANTS-IMPLEMENTATION OF OMB CIRCULAR A-88

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Abstract: This action will implement revised OMB Circular A-88 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university recipients of Federal grants and contracts. The Circular and these amendments will replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: It is expected that OMB will publish a draft of its Circular in the Federal Register and obtain public comments. The specific form and nature of our action is expected to be mandated by OMB.

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA29

469. ● ADMINISTRATION OF GRANTS-SINGLE AUDIT ACT OF 1984

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505; PL 98-502, Sec 7505 Single Audit Act of 1984

CFR Citation: 45 CFR 74.62(a), (Revised); 45 CFR 74, Appendix I; 45 CFR 74, Appendix J

Abstract: This action implements the Single Audit Act of 1984 and OMB Circular A-128 by requiring recipients that are governments to comply with Circular A-129. That Circular provides governmentwide standards for implementing the Act. The Act, Circular and these amendments replace Attachment P to Circular A-102. Attachment P contained the previous Federal policy on non-Federal audits of governmental recipients of Federal grants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/06/85	50 FR 31715
Final Action Effective	09/00/86	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA30

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Existing Regulations Under Review

Office of the Secretary (OS)

470. PUBLIC INFORMATION REGULATION

Legal Authority: 5 USC 552

CFR Citation: 45 CFR 5

Abstract: This will be the first complete update since August 1974 of the Department's Public Information Regulation implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 118F, Humphrey Bldg, 200 Independence Ave, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA07

471. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 2405

CFR Citation: 45 CFR 87.1-40

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-267, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entitles receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	
NPRM	12/21/79	44 FR 75676
End Review	00/00/00	

Small Entity: No

Public Compliance Cost: Yearly Recurring Cost: $6,000

Government Levels Affected: Local, State

Agency Contact: Frank E. G. Weil, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5416, Washington, DC 20201, **202 245-6671**

RIN: 0991-AA22

472. ● MEDICARE AND MEDICAID FRAUD AND ABUSE TECHNICAL AMENDMENTS

Legal Authority: PL 98-369, Sec 2348; PL 98-369, Sec 2370

CFR Citation: 42 CFR 420; 42 CFR 455; 42 CFR 489; 45 CFR 101

Abstract: This rule incorporates two technical changes that incorporate sections 2348 and 2370 of PL 98-369 by respectively (1) limiting payment for services furnished to beneficiaries by a home health agency or hospice whose provider agreement has been terminated, and (2) expanding subpoena authority for civil money penalty hearings under Medicaid. This rule also includes a series of technical changes to reflect the 1983 transfer of Medicare and Medicaid fraud and abuse authorities from the Health Care Financing Administration to the OIG.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	

Small Entity: No

Additional Information: Regulation originally contained as part of larger package (RIN 0991-AA20) in April 85 Unified Agenda that included physician fee freeze provisions. These technical amendments have now been split out of that rule and are being published as an interim final with comment period; the physician fee freeze amendments will be released as an NPRM.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: State, Federal

Agency Contact: James Patton, Director, Health Care Admin. Sanctions, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, **301 594-3957**

RIN: 0991-AA31

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

473. ADMINISTRATION OF GRANTS TO STATES OTHER THAN BLOCK GRANTS OR OPEN-ENDED GRANTS

CFR Citation: 45 CFR 74; 45 CFR 98

Completed:

Reason	Date	FR Cite
Action completed - overtaken by OMB Circular A-102	10/00/85	

Small Entity: No

Agency Contact: Joel Feinglass 202 245-7565

RIN: 0991-AA10

474. DETERMINATION OF ADEQUACY OF CONTRACTORS' ACCOUNTING AND BILLING SYSTEMS AND PREPARATION OF INVOICES

CFR Citation: 48 CFR 3

Completed:

Reason	Date	FR Cite
Withdrawn Overtaken by issuance of FAR/HHS NPRM	10/00/85	

Small Entity: No

Agency Contact: Terrence J. Tychan 202 245-8771

RIN: 0991-AA15

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Departmental Management (HHSDM)

Current and Projected Rulemakings

475. CLAIMS COLLECTION

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 30, (Revision)

Abstract: The proposed rule amends the Department's regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (P.L. 97-365), which amended the Federal Claims Collection Act of 1966 (31 U.S.C. 3711, 3716-3718) to authorize, among other things, the charging of interest, penalties and administrative costs, and the use of administrative offset, private collection agencies and credit reporting agencies by the Government. The amendments also implement government-wide regulations issued by the Department of Justice and GAO (49 F.R. 8889) and OPM (49 F.R. 27470).

Timetable:

Action	Date	FR Cite
NPRM	05/02/85	50 FR 18694
NPRM Comment Period Begin	05/02/85	50 FR 18694
NPRM Comment Period End	07/01/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Sarah Hertz, Chief, Litigation and Claims Branch, Department of Health and Human Services, Departmental Management, Room 5362 HHS North, 330 Independence Ave., SW, Washington, DC 20201, 202 475-0155

RIN: 0990-AA00

476. GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 201.66,(Revision)

Abstract: The proposed rule amends 45 CFR 201.66 by removing paragraph (b)(8). Section 201.66 governs States' repayment by installments of debts to the Department arising from audit disallowances under Titles I, IV-A, X, XIV, XVI (AABD) or XIX of the Social Security Act (42 U.S.C. 201 et seq). Paragraph (b)(8) provides that States will not be charged interest on those repayments unless mandated by court order. Paragraph (b)(8) is being removed to conform to the Department's interest policy set forth in the proposed amendments to 45 CFR Part 30, the Claims Collection Regulation. The provision is inconsistent with the Department's policy of charging interest on outstanding debts.

Timetable:

Action	Date	FR Cite
NPRM	05/02/85	50 FR 18704
NPRM Comment Period Begin	05/02/85	50 FR 18705
NPRM Comment Period End	07/01/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Sarah Hertz, Chief, Litigation and Claims Branch, Department of Health and Human Services, Departmental Management, Room 5362 HHS North, 330 Independence Ave., SW, Washington, DC 20201, 202 475-0155

RIN: 0990-AA01

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]

BILLING CODE 4150-04-T

477. GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING; GRANTS TO INDIAN TRIBES FOR SUPPORTIVE & NUTRITION SERVICES--FINAL RULES

Legal Authority: 42 USC 3001 et seq

CFR Citation: 45 CFR 1321; 45 CFR 1328

Abstract: These final rules contain requirements that give States and Indian Tribes greater flexibility in meeting the statutory requirements to provide supportive and nutrition services to older individuals.

Timetable:

Action	Date	FR Cite
NPRM	03/02/83	48 FR 8964
NPRM Comment Period End	05/02/83	48 FR 8964
Interim Final Rules	04/01/85	50 FR 12942
Interim Final Rules Effective Date	05/01/85	50 FR 12942
Interim Final Rules Comment Period	05/31/85	50 FR 12942
Final Action	10/00/85	

Small Entity: No

Agency Contact: Donald Smith or Frederik Luhmann, Department of Health and Human Services, Office of Human Development Services, Admin on Aging, Rm 4639 HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, 202 472-3057

RIN: 0980-AA02

478. FOSTER CARE MAINTENANCE PAYMENTS, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES -- NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 670 et seq Adoption Assist & Child Welfare Act of 1980; 42 USC 620 et seq; 42 USC 1302 Social Security Act

CFR Citation: 45 CFR 1356; 45 CFR 1357

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act as amended by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272). The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Frank Ferro, Associate Chief, Children's Bureau, ACYF, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, D.C. 20201, 202 755-7418

RIN: 0980-AA08

479. WORK INCENTIVE PROGRAM FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT--FINAL RULES

Legal Authority: 42 USC 602 (a) (19); 42 USC 630 to 644; 42 USC 1302; 42 USC 614

CFR Citation: 29 CFR 56; 45 CFR 224

Abstract: These rules implement three provisions of the Deficit Reduction Act of 1984 (PL 98-369) regarding the WIN program. These changes: (1) add a new exemption for women from the WIN work requirements beginning with the sixth month of pregnancy; (2) permit, under the protective payment requirement, a sanctioned caretaker relative (one who refused to participate in WIN or accept employment without good cause) to receive the AFDC payment on behalf of the assistance unit if a suitable protective payee cannot be located; and (3) exempt AFDC recipients from the work program requirements if they are participating in a Work Supplementation Program operated by a State.

Timetable:

Action	Date	FR Cite
Final Rule Effective	07/18/84	
Final Rule Effective	10/01/84	50 FR 6164
Final Rule with Comment Period	02/14/85	50 FR 6164
Final Rule Comment Period Begins	02/14/85	50 FR 6164
Final Rule Comment Period Ends	04/15/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: William Kacvinsky, Executive Director, Department of Health and Human Services, Office of Human Development Services, Work Incentive Program, Rm 8422 Patrick Henry Bldg, 601 D St, NW, Washington, DC 20213, 202 376-6890

RIN: 0980-AA09

480. HEAD START PROGRAM--FINAL RULE

Significance: Regulatory Program

Legal Authority: 42 USC 9831 et seq The Head Start Act, PL 97-35, as amended

CFR Citation: 45 CFR 1301

Abstract: This rule would amend existing regulations governing the recruitment and selection of Head Start staff. The proposed rule would emphasize the importance of careful screening of employees in Head Start programs by requiring that Head Start programs have formal personnel policies and procedures in place that will provide safeguards against the possibility of abuse and neglect, including sexual abuse, occurring in the Head Start program.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13253
NPRM Comment Period Begin	04/03/85	50 FR 13253
NPRM Comment Period End	06/03/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Ms. Terry A. Lewis, Department of Health and Human Services, Office of Human Development Services, Head Start Bureau, Administration for, Children, Youth and Families, HDS/HHS, PO Box 1182, Washington, DC 20013, 202 755-8208

RIN: 0980-AA10

481. RUNAWAY AND HOMELESS YOUTH PROGRAM--NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 5701 Note The Runaway and Homeless Youth Act, as amended

CFR Citation: 45 CFR 1351

Abstract: These rules will make technical changes to modify 45 CFR 1351 to conform to changes in legislation that: (1) provide for making grants to any eligible entity and no

longer restrict grants to nonprofit entities; and (2) refer to "family" or "families" in place of "parent," "parents," and/or "legal guardian(s)."

Timetable:

Action	Date	FR Cite
NPRM	01/31/86	
Final Action	11/00/86	

Small Entity: No

Agency Contact: Dominic J. Mastrapasqua, Acting Associate Commissioner, Department of Health and Human Services, Office of Human Development Services, Family and Youth Services Bureau, ACYF/HDS, PO Box 1182, Washington, DC 20013, 202 755-7766

RIN: 0980-AA11

482. DEVELOPMENTAL DISABILITIES PROGRAM--NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 6000 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Abstract: With the exception of the rules for the University Affiliated Facilities Program (45 CFR Part 1388) which are undergoing a major review and revision, the majority of the provisions planned for the proposed rules will be technical updates which reflect the reorganization of the Act. Also, a number of unnecessary portions in the current regulations would be deleted as the language contained in PL 98-527 is very clear and specific and does not require the development of regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Elsbeth Wyatt, Department of Health and Human Services, Office of Human Development Services, Administration on Developmental, Disabilities, OHDS/HHS, Rm 336-E HHH Bldg, 200 Independence Ave SW, Wash., DC 20201, 202 245-2904

RIN: 0980-AA12

483. CHILD ABUSE & NEGLECT PREVENTION & TREATMENT PROGRAM--FINAL RULES

Significance: Regulatory Program

Legal Authority: 42 USC 5101 et seq

CFR Citation: 45 CFR 1340

Abstract: These Final Rules will modify existing regulations to comport with the statutory changes made in the Child Abuse Amendments of 1984. These Final Rules will not include the provisions of the 1984 Amendments regarding protection of disabled infants (Baby Does). The Final Rules implementing the "Baby Doe" provisions were published on 04/15/85 (50 FR 14878).

Timetable:

Action	Date	FR Cite
NPRM	04/24/85	50 FR 16105
NPRM Comment Period Begin	04/24/85	50 FR 16105
NPRM Comment Period End	06/24/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Jay Olson, Department of Health and Human Services, Office of Human Development Services, National Center on Child Abuse and Neglect, HDS/HHS, PO Box 1182, Washington, DC 20013, 202 245-2859

RIN: 0980-AA14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Existing Regulations Under Review

484. HEAD START PROGRAM-PRERULEMAKING ACTION

Significance: Regulatory Program

Legal Authority: 42 USC 9831 et seq The Head Start Act; PL 97-35, as amended

CFR Citation: 45 CFR 1301; 45 CFR 1302; 45 CFR 1303; 45 CFR 1304; 45 CFR 1305

Abstract: The existing Head Start program regulations will be examined to determine whether rulemaking procedures should be initiated to update, clarify or remove unnecessary provisions from the Code of Federal Regulations. All Head Start program issuances will be reviewed and will be updated, clarified, consolidated, rescinded or included in revised proposed regulations as necessary.

Timetable:

Action	Date	FR Cite
End Review	03/00/86	
NPRM	09/00/86	

Small Entity: No

Agency Contact: Mr. Clennie H. Murphy, Jr., Acting Associate Commissioner, Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families, Head Start Bureau, OHDS P.O. Box 1182, Washington, DC 20013, 202 755-7782

RIN: 0980-AA15

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Completed Actions

COMPLETED RULEMAKINGS

485. CHILD ABUSE & NEGLECT PREVENTION & TREATMENT PROGRAM--FINAL RULES

CFR Citation: 45 CFR 1340

Completed:

Reason	Date	FR Cite
Final Action	04/15/85	50 FR 14878
Final Action Effective	05/15/85	50 FR 14878

Small Entity: No

Agency Contact: Jay Olson 202 245-2859

RIN: 0980-AA13

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Current and Projected Rulemakings

486. SUPPLEMENTAL SECURITY INCOME PROGRAM; EFFECTIVE DATE OF APPLICATION AND PRORATION OF INITIAL SSI BENEFIT PAYMENT

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382(c); 42 USC 1382f; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart C; 20 CFR 416, Subpart M; 20 CFR 416, Subpart R

Abstract: These regulations will enable SSI benefits in the month of application to be prorated from the date of application or the date of eligibility, whichever is later. The regulations will also apply to months in which the individual reapplies after a period of ineligibility.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Fred Miranda, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7341

RIN: 0960-AA03

487. SUPPLEMENTAL SECURITY INCOME PROGRAMS; MANDATORY PASS THROUGH UNDER STATE SUPPLEMENTATION PROVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 1382g(c); PL 97-377, Sec 147; PL 98-21, Sec 402

CFR Citation: 20 CFR 416, Subpart T

Abstract: These rules reflect changes in the law which enable States effective for the 12-month period ending 6/82, to switch from the "maintaining of total expenditures" method of compliance with mandatory pass through provisions to the "maintaining of payment levels" method without first having to pass through to all current SSI recipients all the Federal cost-of-living benefit increases which have occurred since 12/76. States can meet the pass through requirements by maintaining the payment levels in effect in December of the latest preceding total expenditures period. The concept of "State Supplementary payment level" is changed to a concept of combined supplementary and SSI payment levels applicable to months after 3/83. Also, a State is permitted to reduce its 3/83 State Supplementary payment levels by an amount up to the difference between the amount of the 7/83 general increase in the Federal benefits in 7/83. Also reflected in the rules is a special method of compliance for States meeting the passalong requirements by the total annual expenditures test for the period 7/1/80 through 6/30/81. The total expenditures for that period need only equal or exceed the total (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/25/85	50 FR 07607
Final Action	11/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: expenditures for 7/1/76 through 6/30/77, rather than the total expenditures for the preceding 12-month period.

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7460

RIN: 0960-AA05

488. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 418; 42 USC 1302; PL 98-21, Sec 103; PL 98-21, Sec 342

CFR Citation: 20 CFR 404, Subpart M

Abstract: This proposed regulation reflects policies and procedures concerning agreements between States and the Secretary for Social Security coverage of State and local employees, payment of Social Security contributions, filing of wage reports by States, charging interest for late payments, etc. The current rules need to be organized into a logical sequence and to be updated to reflect many policies which SSA has followed for many years. In preparing this regulation, we reviewed all policies to assess their impact on the trust funds and to reduce recordkeeping burdens. We also added the provisions of sections 103 and 342 of Pub. L. 98-21. Sec. 103 prohibits termination of existing coverage under the States' agreements. Sec. 342 changes payment of Social Security contributions from once a month to twice a month. Other than these two statutory changes, which leave no room for administrative discretion, this proposed regulation primarily reflects current policies, so that any program and administrative costs or savings resulting from the regulation will be minimal.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/28/79	44 FR 55899
Notice of Available Working Draft	09/26/80	45 FR 63868

Next Action Undetermined

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7519**

RIN: 0960-AA13

489. GENERAL ADMINISTRATION-PUBLIC ASSISTANCE PROGRAMS; AFDC; FEDERAL FINANCIAL PARTICIPATION IN THE COST OF A STATEWIDE MECHANIZED CLAIMS PROCESSING SYSTEM

Legal Authority: 42 USC 602(a); 42 USC 603(a)(3); 42 USC 613; PL 96-265, Sec 406

CFR Citation: 45 CFR 205.35; 45 CFR 205.36; 45 CFR 205.37; 45 CFR 205.38

Abstract: The regulation will make available, at State option, 90 percent matching funds for the planning, design, development, and installation of a statewide claims processing and information retrieval system for the AFDC program. The 90 percent matching includes the purchase or rental of computer equipment and software used for the operation of this system. The regulation will result in short-run administrative costs, but is expected to result in greater long-run program savings through increased accuracy of processing. The regulation also provides for the disallowance of incentive funds that exceed the normal administrative FFP rate (50 percent) back to the beginning date of development should SSA suspend approval of an approved APD or should a State voluntarily withdraw its approved APD.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/81	46 FR 47784
Final Action	10/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AA16

490. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDUCTIONS, SUSPENSIONS AND TERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382c; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart M

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. These regulations include changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	11/00/85	

Small Entity: No

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 597-3408**

RIN: 0960-AA22

491. SUPPLEMENTAL SECURITY INCOME PROGRAM; AGE 18 AND ALIEN DEEMING

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1382j; 42 USC 1383; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383(d)

CFR Citation: 20 CFR 416, Subpart K

Abstract: This regulation provides that deeming of parental income and resources to an eligible child ends when a child reaches age 18 and that a sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply for SSI benefits after September 30, 1980. The regulation eliminates different treatment of children aged 18 to 21 depending on status as students, and assumes that sponsors will support aliens and sets more rigid rules for the sponsor to alien deeming than apply to other deeming categories.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	11/14/80	45 FR 75225
NPRM	12/10/81	46 FR 60470
Final Action	03/00/86	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AA26

492. SUPPLEMENTAL SECURITY INCOME PROGRAM; ELIGIBILITY, AMOUNT OF BENEFITS, INCOME, RESOURCES, STATE SUPPLEMENTARY PROVISIONS, AGREEMENTS, PAYMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1382; 42 USC 1382a

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart D; 20 CFR 416, Subpart K; 20 CFR 416, Subpart L; 20 CFR 416, Subpart T

Abstract: This regulation will implement statutory provisions for retrospective monthly accounting and spell out how they affect various regulations that deal with eligibility for and the amount of SSI benefits. This regulation will implement a significant change from quarterly to monthly determinations of eligibility and benefit amount. Although in the first year (1982) of implementation of retrospective monthly accounting there will be an administrative cost, it will be followed by an administrative saving thereafter. No significant program costs or savings are projected for FY 1985.

Timetable:

Action	Date	FR Cite
NPRM	10/29/81	46 FR 53449
Final Action	10/00/85	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AA27

493. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; FUTURE EFFECT OF APPLICATIONS AND RELATED CHANGES IN APPEALS COUNCIL PROCEDURES

Legal Authority: 42 USC 402; 42 USC 416; 42 USC 423(b); 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart G; 20 CFR 404, Subpart J; 20 CFR 416, Subpart C; 20 CFR 416, Subpart N

Abstract: These rules should promote final resolution of cases at the hearing stage and help to reserve appeals council review for cases of a genuinely appellate nature. These rules specify that if a person files an application for benefits before the first month he or she meets all requirements for entitlement, we will allow the claim only if he or she meets all requirements before a hearing decision is issued (if a hearing is held) or if no hearing is held, before a final determination is made. These rules will generate program savings and administrative costs and savings.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/16/80	45 FR 61315
NPRM	05/16/83	48 FR 21967
NPRM Comment Period Begin	05/16/83	
NPRM Comment Period End	07/15/83	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7452**

RIN: 0960–AA28

494. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; COMPUTING A SUPPLEMENTAL PAYMENT IN STATES REQUIRED TO DO SO BY SECTION 402(A)(28) OF THE SOCIAL SECURITY ACT

Legal Authority: 42 USC 602; 42 USC 1302

CFR Citation: 45 CFR 232.21; 45 CFR 233.20; 45 CFR 232.20

Abstract: This regulation will require that eligibility be based on the current month's reported support payments, and each month's supplemental payment be based on the largest part of the amount collected in the current month that would not cause ineligibility. It will provide uniform and equitable redeterminations of eligibility and payment amounts. This regulation will result in minimal costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	05/18/79	44 FR 29122
NPRM	02/15/80	45 FR 8322
Final Action	12/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20024, **202 245-2637**

RIN: 0960–AA33

495. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P

Abstract: The regulation revises the medical evaluation criteria used in making Social Security and SSI disability determinations. The changes reflect advances in medical treatment of some conditions and in the methods of evaluating others. Since no significant change in disability allowance and denial rates is expected to result from these changes in the regulations, there will be little, if any, impact on costs (both program and administrative). Other proposed regulations are being processed regarding the evaluation criteria used in determining mental disorders.

Timetable:

Action	Date	FR Cite
NPRM	05/06/82	47 FR 19619
Final Action	10/00/85	

Small Entity: No

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7415**

RIN: 0960–AA41

496. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; LEAST COSTLY APPROACH

Significance: Regulatory Program

Legal Authority: 42 USC 602; 42 USC 603; 42 USC 606; 42 USC 607; 42 USC 1302

CFR Citation: 45 CFR 201; 45 CFR 205; 45 CFR 206; 45 CFR 225; 45 CFR 232; 45 CFR 233; 45 CFR 234; 45 CFR 235; 45 CFR 237

Abstract: This regulation will affect a number of provisions of the AFDC program. It will result in savings to State and Federal governments and will ease the paperwork burden of the States. The changes may include provisions on restricted payments, hearings, redeterminations, issuances of replacement checks and others that will result in a "least costly" approach to the administration of AFDC. This regulation will result in dollar savings and the relief of administrative burdens that we expect to accrue.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45558
NPRM Comment Period Begin	11/16/84	
NPRM Comment Period End	01/15/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20024, **202 245-2637**

RIN: 0960–AA43

497. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM AND SUPPLEMENTAL SECURITY INCOME PROGRAM; DISABILITY HEARINGS AT THE RECONSIDERATION LEVEL

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; PL 97-455, Sec 4; PL 97-455, Sec 5; 42 USC 1383

CFR Citation: 20 CFR 404; 20 CFR 416; 20 CFR 422

Abstract: Sections 4 and 5 of Pub. L. 97-455 require SSA to make face-to-face evidentiary hearings available at the first stage of appeal, known as reconsideration, in cases in which an initial determination is made that an individual receiving title II disability benefits is not now disabled. Regulations are necessary to implement this statutory requirement, which will make the reconsideration stage more meaningful. Although not specifically required by the statute, the proposed regulations will include SSI disability and blindness cessation cases in the new reconsideration process. The availability of an evidentiary hearing at the reconsideration stage in disability and blindness termination cases should enable reconsiderations to be based on more complete information, enable more appeals to be resolved at that level, and thus reduce the workload at the administrative law judge hearing level and in the Appeals Council.

Timetable:

Action	Date	FR Cite
NPRM	08/15/83	48 FR 36831
NPRM Comment Period Begin	08/15/83	
NPRM Comment Period End	10/14/83	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Anita Dunn, Social Insurance Specialist, Department of Health and Human Services, Social Security Administration, Office of Disability Hearings, 3-K-24 Operations Bldg., 6401 Security Blvd., Baltimore, Maryland 21235, **301 597-0367**

RIN: 0960-AA49

498. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVISION FOR INFERRING A PERSON IS DEAD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart H

Abstract: The proposed regulations explain that the claimant at all times bears the burden of proving the insured person's death and clarifies that SSA will not presume a missing insured person is dead if there are known circumstances that could reasonably explain the absence, even without direct evidence that such circumstances actually were the reason for the absence. The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	02/29/84	49 FR 07405
NPRM Comment Period Begin	02/29/84	
NPRM Comment Period End	04/30/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA54

499. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGE COVERAGE UNDER SOCIAL SECURITY

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 327; PL 96-342, Sec 1002(a); PL 97-306, Sec 408; PL 96-499, Sec 1141

CFR Citation: 20 CFR 404.1043; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1060; 20 CFR 404.1341

Abstract: This regulation consists of amendments to 5 rules on wage coverage under Social Security. These amendments are: (1) The value of the meals and lodging furnished for the convenience of the employer must be excluded from the employee's gross income; (2) With only limited exceptions, an employer may no longer exclude from an employee's wages, his or her payment of the employee's FICA tax; (3) Payments by an employer to an employee after the calendar year of the employee's entitlement to disability insurance benefits are not wages if paid in a period the employee did not work; (4) The scope of the entitlement to the deemed wages provided to internees of the camps for Japanese-Americans during World War II period is being broadened; (5) The scope of the entitlement to the deemed wages provided to members of the uniformed services is being narrowed. Only two regulations will have a cost impact. Amendment (1) above will reduce the Social Security benefits paid the affected employees but not by $100 million in any year. Amendment (2) will increase taxes paid by employers and employees but these increases are required by the statutory provisions and not the regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: C.H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AA55

500. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Abstract: The proposed rules provide for the reopening and revising of Supplemental Security Income determinations within four years of the notice of the initial determination if we discover an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies. This rule is being proposed because the two-year period in which we may reopen and revise a determination based on new and material evidence we acquire through data and exchange is often too short and often expires before the determination to correct errors revealed by the data can be made. The budgetary impact has not yet been determined.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Philip Berge**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA59

501. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BENEFITS FOR DIVORCED SPOUSES BEFORE ENTITLEMENT OF INSURED WORKER

Legal Authority: PL 98-21, Sec 132; PL 98-21, Sec 301

CFR Citation: 20 CFR 404, Subpart D; 20 CFR 404, Subpart E

Abstract: This proposed regulation provides that a divorced spouse of a worker who is eligible for old-age benefits can receive wife's or husband's benefits if the divorced spouse is otherwise eligible for them and the parties have been divorced for at least 2 years, even if the worker has not applied for benefits or if the worker's current earnings are too high to permit payment of the worker's old-age benefits. Total program cost is estimated as under $100 million through 1989.

Timetable:

Action	Date	FR Cite
NPRM	02/07/85	50 FR 05264
Final Action	12/00/85	

Small Entity: No

Agency Contact: **Jack Schanberger**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA60

502. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF CERTAIN TRAVEL EXPENSES

Significance: Agency Priority

Legal Authority: 42 USC 401; 42 USC 1383; PL 97-51; PL 97-92; PL 97-161; PL 97-276; PL 97-377; PL 98-107; PL 98-139; PL 98-619

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 416, Subpart N

Abstract: These proposed regulations reflect section 310 of Pub. L. 96-265 which became effective June 9, 1980. That law provides permanent authority for the payment of certain travel expenses to (1) individuals who attend medical examinations requested by the Social Security Administration (SSA) in connection with disability determinations, (2) parties, their representatives, and all reasonably necessary witnesses who attend disability termination hearings in connection with disability claims, and (3) parties, their representatives, and all reasonably necessary witnesses who attend hearings held before an administrative law judge. They also reflect the 75 mile minimum for payment of travel expenses. The minimum is required for title XVI by successive HHS appropriations. We have been paying travel expenses based on internal procedure without regulation. These regulations will not cause any appreciable change in expenditures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: **Cliff Terry**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AA61

503. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; NEW BENEFIT COMPUTATIONS FOR COST-OF-LIVING ADJUSTMENT, FOR DELAYED RETIREMENT CREDIT, AND FOR ETC

Legal Authority: 42 USC 402(w); 42 USC 403(a),(b); 42 USC 415(i); 42 USC 1382(f)

CFR Citation: 20 CFR 404, Subpart C; 20 CFR 404, Subpart D; 20 CFR 404, Subpart E; 20 CFR 416, Subpart D

Abstract: This proposed regulation will state that beginning with 1983, the annual cost-of-living adjustment will be effective in December and paid in January rather than being effective in June and paid in July. This revised schedule affects both OASDI and SSI. Additionally, the adjustment will be based on the lower of wages or price increases when the OASDI trust fund ratio of assets to estimated outgo falls below a given percentage. This proposed regulation will also explain that the combined family maximum, where there is entitlement on two workers' records, will be increased only on the basis of cost-of-living adjustments. Finally, this regulation will explain the gradual increases in the delayed retirement credit. Shifting the cost-of-living adjustment will reduce program expenditures by $39.4 billion for 1983-89. The other provisions on this regulation package will have negligible program costs.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27615
NPRM Comment Period Begin	07/05/85	
NPRM Comment Period End	09/03/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: **Jack Schanberger**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA62

504. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; SIMPLIFIED FEE PROCESS FOR REPRESENTATIVES OF CLAIMANTS

Legal Authority: 42 USC 406(a); 42 USC 1383(d)(2); 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart R; 20 CFR 416, Subpart O

Abstract: We are proposing to change the manner by which we determine the amount of the fee we approve for the person(s) who represent a claimant in proceedings with us. We estimate administrative savings of less than $3 million in the first full year of implementation and no program costs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA64

505. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ELIMINATION OF WINDFALL BENEFITS FOR PERSONS RECEIVING PENSIONS FROM NONCOVERED EMPLOYMENT

Significance: Regulatory Program

Legal Authority: PL 98-21, Sec 113

CFR Citation: 20 CFR 404, Subpart C

Abstract: The provision of section 113 of Pub. L. 98-21 (the Social Security Amendments of 1983) eliminates the windfall that occurs when the heavy weighting in the benefit formula that is intended for workers with low wages goes instead to workers who spent many years in noncovered employment and worked only a few years in covered employment. This will be accomplished by modifying the benefit computation formula to consider a worker's pension from noncovered employment. This provision will decrease program costs by $0.1 billion for 1983-89.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA65

506. SUPPLEMENTAL SECURITY INCOME PROGRAM; TEMPORARY RESIDENTS OF EMERGENCY SHELTERS FOR THE HOMELESS

Significance: Agency Priority

Legal Authority: 42 USC 1383 (e)(i)(d)

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart M

Abstract: Section 1611(e)(1)(A) of the Social Security Act provides that, with certain limited exceptions, no person may be eligible for Supplemental Security Income Benefits for months throughout which he or she resides in a public institution. Section 403 of Pub. L. 98-21, which these regulations would implement, provides that an aged, blind, or disabled resident of a public emergency shelter for the homeless may be eligible for benefits for as many as three months in any 12-month period throughout which he or she is a resident of such a shelter. Program and administrative costs will be less than $1 million per year.

Timetable:

Action	Date	FR Cite
NPRM	04/18/84	49 FR 15225
NPRM Comment Period Begin	04/18/84	
NPRM Comment Period End	06/18/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7337**

RIN: 0960-AA70

507. AID TO FAMILIES WITH DEPENDENT CHILDREN AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DISREGARDING OF SUPPORT AND MAINTENANCE ASSISTANCE BASED ON NEED

Significance: Agency Priority

Legal Authority: 42 USC 602; 42 USC 1382a; 42 USC 1302; PL 98-369

CFR Citation: 20 CFR 416, Subpart K; 20 CFR 416, Subpart L; 45 CFR 233.20

Abstract: These proposed regulations implement section 404 of Pub. L. 98-21 and section 2639 of Pub. L. 98-369 which provide that certain support and maintenance assistance is not to be counted when determining an individual's eligibility for and the amount of his or her Supplemental Security Income (SSI) benefits or at the State's option, his or her Aid to Families With Dependent Children (AFDC) payments. Section 404 is effective May 1, 1983 through September 30, 1984. Section 2639 is effective October 1, 1984 through September 30, 1987.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 21457
NPRM Comment Period Begin	05/24/85	50 FR 21472
NPRM Comment Period End	07/23/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7337**

RIN: 0960-AA71

508. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCE LIMITS FOR CONDITIONAL SSI PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 1382b(b); 42 USC 1383(d)

CFR Citation: 20 CFR 416, Subpart L

Abstract: Current regulations for the Supplemental Security Income program provide that if total excess resources (liquid and nonliquid) do not exceed certain limits, an individual may receive conditional SSI payments while disposing of the excess resources. This proposed regulation will revise "bona fide effort to sell" policy for disposing of excess resources.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7463**

RIN: 0960-AA75

509. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; RESIDENCY REQUIREMENT FOR PAYING BENEFITS TO NON-RESIDENT ALIENS

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 340

CFR Citation: 20 CFR 404.460(b)

Abstract: These regulations implement Sec. 340 of Pub. L. 98-21--The Social Security Amendments of 1983--which

provides a U.S. residence requirement that the dependent or survivor beneficiary must now meet if he or she is an alien outside the U.S. These provisions do not apply to the alien who is an old-age beneficiary who is residing outside the U.S. The dependent or survivor beneficiary, however, who is an alien outside the U.S. will not be paid benefits effective January 1, 1985 unless he or she satisfies these new residence requirements. These provisions will effect negligible budget savings, i.e., $50 million for the period 1983-89.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: C.H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AA76

510. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; INDEXING FOR WIDOW(ER)'S BENEFITS; EFFECT OF REMARRIAGE ON WIDOW(ER)'S ENTITLEMENT; REDUCTION OF DISABLED WIDOW(ER)'S BENEFITS; ETC

Legal Authority: PL 98-21, Sec 131; PL 98-21, Sec 133; PL 98-21, Sec 134; PL 98-21, Sec 334; 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart C; 20 CFR 404, Subpart D; 20 CFR 404, Subpart E; 20 CFR 404, Subpart G

Abstract: These final rules will explain: (1) that in many situations remarriage will no longer affect a widow(er)'s entitlement to benefits on the earnings record of a deceased insured worker; (2) that benefit amounts for a widow(er) will be larger because the worker's earnings will be indexed based on the surviving spouse's eligibility rather than on the worker's year of death; (3) that benefits to a widow(er) who becomes entitled before age 60 (based on disability) will no longer be further reduced for months before age 60; (4) that, as an exception to limited retroactivity, a widow(er) age 60 or 61 may choose to have benefits begin effective with the month of death even though he or she did not apply until the next month. Budgetary information is unavailable at this time.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22340
NPRM Comment Period Begin	05/29/84	
NPRM Comment Period End	07/30/84	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA77

511. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CATEGORIES OF IMPAIRMENTS

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.934

Abstract: Section 1631(a)(B) of the Social Security Act provides for the payment of benefits to persons applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination when available information indicates a high probability that disability exists. These presumptive disability and blindness decisions may be made at the Social Security district offices in a limited number of impairment categories. We are proposing to add Chronic Renal Disease to these categories in view of the predictability that the disease will result in a finding of disability. Budgetary impact is expected to be negligible.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AA79

512. AID TO FAMILIES WITH DEPENDENT CHILDREN; REDUCTION OF FEDERAL FUNDS FOR UNREPORTED CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 201.5

Abstract: This final rule makes a technical amendment to 45 CFR 201.5 based on section 407 of Public Law 96-265, the Social Security Disability Amendments of 1980. The rule requires the Department of Health and Human Services to reduce a State's title IV-A grant award for failure to include appropriate child support collections on its statement of expenditures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AA83

513. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Legal Authority: 42 USC 1302; 42 USC 602

CFR Citation: 45 CFR 205.40

Abstract: The proposed rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal requirements when a State plan is not amended to reflect new Federal rules, or when a State plan is submitted which is inconsistent with Federal rules and has not yet been disapproved.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25269
NPRM Comment Period Begin	06/18/85	
NPRM Comment Period End	08/19/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AA85

514. AID TO FAMILIES WITH DEPENDENT CHILDREN; CONSIDERATION OF UTILITY PAYMENTS MADE BY TENANTS IN HOUSING AND URBAN DEVELOPMENT ASSISTED HOUSING

Legal Authority: PL 98-181; 42 USC 602; 42 USC 1302

CFR Citation: 45 CFR 233

Abstract: The proposed rule will provide that Housing and Urban Development Assisted Aid to Families With Dependent Children tenants who pay utilities but no rent to landlord will have their utilities considered rent by a State IV-A agency in computing the Aid to Families With Dependent Children grant.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AA87

515. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF CERTAIN FEDERAL EMPLOYEES; COVERAGE OF EARNINGS OF FEDERAL JUDGES

Legal Authority: PL 98-21, Sec 101; PL 98-118, Sec 4

CFR Citation: 20 CFR 404.1018; 20 CFR 404.1061

Abstract: The proposed regulations would codify section 101 of Pub. L. 98-21, as amended by section 4 of Pub. L. 118, which generally provides Social Security coverage for certain Federal employees and covers certain payments to retired Federal judges after 1985. Estimated increased revenues (resulting from this legislation) for 1984-1989 are $9.4 billion. Long-range savings are estimated at .28 percent of taxable payroll.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Steve Siff, Chief, IRR Branch, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-6697

RIN: 0960-AA89

516. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS TREATMENT OF OASDI AND SSI LUMP SUM PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404, Subpart U; 20 CFR 416, Subpart F

Abstract: These proposed rules would revise 20 CFR 404.2040 and 20 CFR 416.640, which stipulate the use of benefit payments by a representative payee, explaining that retroactive title II and title XVI benefits received by a representative payee who is a member of an Aid to Families with Dependent Children (AFDC) assistance unit, on behalf of a child in the same unit, may be considered available to meet the needs of that AFDC assistance unit. If the representative payee is not a member of the assistance unit, title II and title XVI benefits would be counted as available income for AFDC purposes only to the extent that the payee provides these funds to the AFDC household for the beneficiary's maintenance. Potential costs and benefits are not available at this time. We are also proposing direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This proposed revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7452

RIN: 0960-AA90

517. SUPPLEMENTAL SECURITY INCOME PROGRAM; THE AUTOMOBILE, PROPERTY ESSENTIAL TO SELF-SUPPORT, THE HOME

Significance: Agency Priority

Legal Authority: 42 USC 1383; 42 USC 1302; 42 USC 1382b

CFR Citation: 20 CFR 416.1212; 20 CFR 416.1218; 20 CFR 416.1220; 20 CFR 416.1222; 20 CFR 416.1224; 20 CFR 416.1225; 20 CFR 416.1226; 20 CFR 416.1227

Abstract: The regulations are being amended to provide rules where resources are excluded because they are property essential to an individual's self-support. These changes, which do not appear in existing regulations, include value limits for property essential to self-support and describe conditions under which an individual's property will be taken into consideration when income-producing activities are associated with the home. Certain rules involving the automobile and the home are included with these regulations since they relate to the self-support rules. We estimate negligible additional costs.

Timetable:

Action	Date	FR Cite
NPRM	11/08/82	47 FR 50511
Final Action	10/00/85	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7463

RIN: 0960-AA92

518. PUBLIC ASSISTANCE PROGRAMS, DUPLICATE ASSISTANCE PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 201.70

Abstract: This proposed regulation will require States to report on their quarterly statement of expenditures the Federal share of previously claimed assistance checks which are determined to be: (1) replacements of checks cashed by eligible recipients, or (2) original checks cashed by persons other than the authorized payee. This rule will also clarify procedures for claiming Federal Financial Participation for duplicate checks.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AA96

519. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BLACK LUNG PROGRAM; AND SUPPLEMENTAL SECURITY INCOME PROGRAM; OFFICE OF MANAGEMENT & BUDGET CONTROL NUMBERS FOR APPROVED INFORMATION ETC

Legal Authority: 44 USC 3507(f)

CFR Citation: 20 CFR 404; 20 CFR 410.240; 20 CFR 416

Abstract: To comply with the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and with regulations implementing the Act published by OMB on 3/31/83 (48 FR 13666), we are publishing, as part of our regulations, the OMB control number for all reporting or recordkeeping requirements currently approved by OMB that are imposed by 20 CFR Parts 401, 404, 410, 416, and 422 of existing regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: TITLE CONT: Collection Requirements Imposed by Social Security Administration Regulations

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7519

RIN: 0960-AA97

520. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff Appendix 1, Part A

Abstract: Section 4.00 of Appendix 1 of the Disability regulations (404.1501 through 404.1598) describes cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity. We are reviewing this section of the Listing of Impairments and are anticipating the need for revising the criteria to bring them more up to date with current medical technologies and practice in this area of medicine which is advancing rapidly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir of Medical and Vocational Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, 301 594-3352

RIN: 0960-AA99

521. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Abstract: Section 3.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1598) describes those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity. We are proposing comprehensive revision to that section to require consideration of the nature and clinical manifestations of respiratory disorders, as well as consideration of the degree of limitations such disorders may impose on an individual's ability to work.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir of Div of Medical and Vocational Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, 301 594-3352

RIN: 0960-AB00

522. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Abstract: Section 1.00 of Appendix 1 to the Disability Regulations 404.1501 through 404.1598 describes those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to

date and consistent with the latest advances in medicine.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir of Div of Medical and Vocation Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AB01

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523. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM, TREATMENT OF ASSIGNED SUPPORT PAYMENTS RECEIVED DIRECTLY AND RETAINED BY AFDC APPLICANTS OR RECIPIENTS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 232.12; 45 CFR 233.20; 45 CFR 302.31; 45 CFR 303.80

Abstract: This proposed regulation establishes two methods under which support payments directly received from an absent parent and retained by an AFDC recipient must be accounted for. One method is the IV-A income method in which the IV-A agency counts retained support as income and the other is IV-D recovery in which the IV-D agency collects payments on the indebtedness from the recipient. The proposed regulations provide policy for the collection or accounting for retained support.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AB02

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524. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; OFFICE OF MANAGEMENT AND BUDGET CONTROL NUMBERS FOR INFORMATION COLLECTION REQUIREMENTS CONTAINED IN AFDC REGULATIONS

Legal Authority: 44 USC 3507(f)

CFR Citation: 45 CFR 200

Abstract: To comply with the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and with regulations implementing the Act published by OMB on 3/31/83 (48 FR 13666), we are publishing, as part of our regulations, the OMB control numbers for all reporting or recordkeeping requirements currently approved by OMB that are imposed by 45 CFR Chapter II of existing regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AB04

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525. BLACK LUNG PROGRAM; ESTABLISHING DEPENDENCY OF SURVIVING DIVORCED WIFE AND COMPUTATION OF BASIC RATE

Legal Authority: 30 USC 801

CFR Citation: 20 CFR 410

Abstract: These proposed regulations correct several errors in our regulations relating to the Black Lung Benefits Program, update the formula for determining the monthly black lung benefit amount, and change the heading of 20 CFR 410 to "Federal Mine Safety and Health Act of 1977."

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3409**

RIN: 0960-AB05

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526. AID TO FAMILIES WITH DEPENDENT CHILDREN; APPLICATION OF FEDERAL FINANCIAL PARTICIPATION OF RECOVERED INCORRECT PAYMENTS TO QUALITY CONTROL DISALLOWANCES

Legal Authority: 42 USC 1203; 42 USC 603

CFR Citation: 45 CFR 201.69

Abstract: This proposed rule would reduce the Federal dollar amount of Quality Control Disallowances assessed on States for incorrect assistance payments (payments to ineligibles and overpayments to eligible individuals) made in the Aid to Families With Dependent Children program by a percentage of the recoveries of incorrect payments made.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, Office of Intergovernmental Comm., Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AB06

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527. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; INCOME AND ELIGIBILITY VERIFICATION SYSTEMS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 205.50; 45 CFR 205.51; 45 CFR 205.56; 45 CFR 205.57; 45 CFR 205.58; 45 CFR 205.60; 45 CFR 206.10; 45 CFR 205.52; 45 CFR 205.55; 45 CFR 205.62; 45 CFR 205.40

Abstract: The proposed regulations describe State agency requirements to access and use of income and eligibility information in the administration of the AFDC program.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10450
NPRM Comment Period Begin	03/14/85	
NPRM Comment Period End	04/29/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AB07

528. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 205.50; 45 CFR 206.10; 45 CFR 233.52; 45 CFR 239; 45 CFR 233.20; 45 CFR 233.31; 45 CFR 233.51; 45 CFR 233.38; 45 CFR 234.60; 45 CFR 238; 45 CFR 240.22; 45 CFR 239.12; 45 CFR 239.14; 45 CFR 232.20; 45 CFR 233.35

Abstract: The interim regulations implement changes made to the Aid to Families With Dependent Children (AFDC) program by the Deficit Reduction Act of 1984. These changes affect eligibility requirements, countable income and resources, work programs and program administration.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	10/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AB08

529. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCOME; BILLS PAID FOR YOU

Legal Authority: 42 USC 1382(a)

CFR Citation: 20 CFR 416.1103(g); 20 CFR 416.1103(a) to (b)

Abstract: Federally funded needs based payments are counted dollar for dollar as income for SSI purposes regardless of the manner in which they are paid (e.g., directly to a vendor). Bills paid by "someone else" (e.g., a relative or friend) are not income. Regulations need clarification that "someone else" does not mean another federally funded needs based program. Also, cash provided by a governmental medical or social services agency is not income. Regulations will restrict this to cash which is either repayment for, or restricted to the future purchase of, a program-approved service.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 597-3409

RIN: 0960-AB09

530. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES; EXCLUSION OF UNDERPAYMENTS

Legal Authority: PL 98-369, Deficit Reduction Act of 1984

CFR Citation: 20 CFR 416.1210

Abstract: The proposed regulations implement legislation requiring the exclusion from resources of supplemental security income and title II underpayments for 6 months following the month of payment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7453

RIN: 0960-AB11

531. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BLACK LUNG PROGRAM; OPPORTUNITY FOR ORAL HEARING BEFORE BENEFIT RECOVERY

Significance: Agency Priority

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 427; 42 USC 1302; 30 USC 921; 30 USC 922(a); 30 USC 922(b); 30 USC 936(a); 30 USC 952; 31 USC 957

CFR Citation: 20 CFR 404.902a; 20 CFR 404.907; 20 CFR 404.930; 20 CFR 410.561; 20 CFR 410.623; 20 CFR 410.630

Abstract: These regulations reflect the Supreme Court's decision in Califano v. Yamasaki that SSA must provide the person who is requesting that SSA waive recovery of an overpayment with an opportunity for an oral hearing before action is taken to recover the overpayment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 597-3408

RIN: 0960-AB17

532. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PERSONAL APPEARANCE DEMONSTRATION PROJECTS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; PL 98-460

CFR Citation: 20 CFR 404; 20 CFR 416

Abstract: Sec. 6 of Pub. L. 98-460 requires SSA to carry on demonstration projects that provide an opportunity for a personal appearance with the decisionmaker before an unfavorable determination about disability is made. The sample of cases is to include disability cases under title II of the Social Security Act (the Act) as well as disability cases in the Supplemental Security Income program under title XVI of the Act. It is to include people who have applied for benefits but have not received an initial determination about their eligibility and people who

have been receiving benefits but whose condition is being reviewed to determine whether they are still disabled or blind. The purpose is to test whether a personal appearance with the decisionmaker at this stage of the decisionmaking process will permit the decisionmaker to better evaluate the person's condition and simplify and expedite the decision process. We plan to issue regulations to implement the demonstration projects. The cost to SSA is not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AB20

533. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; FREQUENCY OF PERIODIC REVIEWS

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 15; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416; 20 CFR 404

Abstract: The regulation will implement Sec. 15 of PL 98-460 by establishing the standards to be used in determining the frequency of periodic eligibility reviews. Until final regulations are issued, no individual's eligibility may be reviewed under periodic review more than once.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25400
NPRM Comment Period Begin	06/18/85	
NPRM Comment Period End	08/02/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB21

534. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; MEDICAL EVIDENCE

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 9; 42 USC 465; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546

Abstract: The proposed regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The proposed regulations also provide for evaluating medical evidence of record and a 12-month medical history where appropriate. The requirement that a medical assessment in work-related terms be included in medical reports is being eliminated. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB22

535. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCREASE IN DOLLAR LIMITATION UNDER ASSETS TEST

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2611

CFR Citation: 20 CFR 416.1202; 20 CFR 416.1205; 20 CFR 416.1244; 20 CFR 416.1246; 20 CFR 416.1324

Abstract: This regulation reflects the provisions of section 2611 of PL 98-369, the Deficit Reduction Act of 1984, which amended section 1611(a) of the Social Security Act (the Act). Section 2611 provides for increasing the Supplemental Security Income (SSI) resource limitations by $100 for an individual and $150 for a couple each year from January 1985 to January 1989. On January 1, 1989, and continuing, the resource limits will be $2,000/$3,000 respectively. There are no alternatives. We estimate program cost of less than $1 million per year and the administrative costs will be insignificant.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AB23

536. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS AND PERIODS OF DISABILITY

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 2; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404; 20 CFR 416

Abstract: The proposed regulations will permit the Secretary to terminate a beneficiary's entitlement to Social Security disability or SSI disabled or blind benefits or to determine that a period of disability has ended on the basis that the impairment has ceased, no longer exists, or is not disabling only if there is substantial evidence of at least one of the following: (1) That the individual has medically improved (other than improvement not related to his ability to work) and is now able to engage in substantial gainful activity

(SGA); (2) That (except for SSI recipients eligible to receive benefits under section 1619) new medical evidence and a new assessment of the individual's residual functional capacity demonstrate that, although the individual has not improved medically, (a) he is a beneficiary of advances in medical or vocational therapy or technology, related to his ability to work, and is now able to perform SGA, or (b) he has undergone vocational therapy, related to his ability to work, and is now able to perform SGA; (3) That, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment is now as disabling as it (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	50 FR 18432
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	06/14/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: was considered to be at the time of the most recent prior disability determination and that therefore the individual is able to engage in SGA; or (4) That, as demonstrated on the basis of evidence on the record at the time of any prior determination or newly obtained evidence relating to that determination, a prior determination was in error. In addition it provides that any determination under this standard should be made neutrally--without any initial inference as to the presence or absence of disability--on the basis of all evidence (both prior and new) available in the case file concerning the individual's prior or current condition. Applies similar provision, modified to rely on the concept of ability to perform gainful activity, to widows, widowers, and surviving divorced spouses.

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB25

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537. SUPPLEMENTAL SECURITY INCOME PROGRAMS; ASSIGNMENT OF RIGHTS TO THIRD-PARTY MEDICAL PAYMENTS TO STATE

Legal Authority: 42 USC 1383c; 42 USC 1396k

CFR Citation: 20 CFR 416.2101 to 416.2119

Abstract: Our current regulations implementing section 1634 of the Social Security Act provides that SSA will make determinations for the State on whether aged, blind, or disabled people are eligible for Medicaid if the State's Medicaid requirements for these people are the same as SSI eligibility requirements. Sec. 2367 of Pub. L. 98-369 mandates that States require, as a condition of Medicaid eligibility, that a person assign to the State his or her rights to any medical care support available under an order of a court or an administrative agency and any third-party payments for medical care (except Medicare). This is a Medicaid requirement that is different from SSI requirements. We plan to amend our regulations to provide that in making the Medicaid eligibility determination under a section 1634 agreement, SSA will also determine that the new assignment requirement has been met. The resulting cost for SSA is estimated as less than $1 million a year, of which States would pay half. We are also rewriting and reorganizing our regulations for making Medicaid determinations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AB28

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538. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The proposed regulation will clarify that we count such amounts as income. Because this clarification only will lend greater support to current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-3409**

RIN: 0960-AB29

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539. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUATION OF BENEFITS DURING APPEAL

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Abstract: These proposed rules which implement section 2 of Pub. L. 97-455, section 2 of Pub. L. 98-118 and section 7 of Pub. L. 98-460 provide the following groups with the option to elect to continue receiving benefits/payments pending reconsideration and/or a hearing before an administrative law judge on a medical cessation determination; recipients of disability insurance; adult child's, disabled widow's, disabled widower's, mother's and father's, or spouse's benefits based on having in care a disabled adult child; recipients of benefits based on having in care, a child under age 18 but over age 15, who is disabled and receiving child's benefits; recipients of SSI benefits based on disability or blindness. Any continued payments are subject to recovery as overpayments, subject to the same waiver provisions now in current law and regulations where the medical cessation decision is upheld on appeal. The estimated additional costs not already funded are FY 1985--$80.1 million, FY 1986--$112.6 million.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB30

540. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 8; 42 USC 405; 42 USC 421; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1503; 20 CFR 404.1526; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1616; 20 CFR 404.1617; 20 CFR 416.903; 20 CFR 416.926; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 414.1016; 20 CFR 416.1017

Abstract: The proposed regulations reflect the provisions of section 8 of PL 98-460 by requiring that we make every reasonable effort to have a qualified psychiatrist or psychologist to complete the medical portion of the case review and any residual functional capacity assessment in unfavorable determinations in mental impairment cases. We are also explaining the qualifications necessary to be considered as reasonable effort to obtain the services of a qualified psychiatrist or psychologist. SSA must now make every reasonable effort to see that the services of qualified psychiatrists and psychologists are obtained including, where necessary, raising State fee schedules to provide compensation at the prevailing rates in the community. SSA may also contract directly for these services when the State is unable to provide them due to inadequate compensation or other impediments at the State level. Costs will increase by a range of less than $3.4 million in 1985 to $7.2 million in 1986. These figures were derived from the number of additional physician hours needed for State agency medical consultants.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL ABSTRACT: psychologists are obtained through proper State administration including, where necessary, raising State fee schedules to provide compensation at the prevailing rates in the community. SSA may also contract directly for these services when the State is unable to provide them due to inadequate compensation or other impediments at the State level. Costs will increase by a range of less than $3.4 million in 1985 to $7.2 million in 1986. These figures were derived from the number of additional physician hours needed for State agency medical consultants.

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7415

RIN: 0960-AB31

541. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF OVERPAYMENTS WHEN RECIPIENT'S COUNTABLE ASSETS EXCEED LIMITS IN CERTAIN CASES

Legal Authority: PL 98-369, Sec 2613

CFR Citation: 20 CFR 416

Abstract: This proposed regulation reflects the provisions of section 2613 of P.L. 98-369 which provides for waiving recovery of an overpayment that is attributable solely to excess resources if the amount of the excess is $50 or less unless the overpaid recipient (and spouse if any) knowingly and willfully failed to report the value of his/her resources accurately and timely.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7459

RIN: 0960-AB32

542. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20

CFR Citation: 45 CFR 233

Abstract: This interim final rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10 or because the payment is determined to be zero as a result of rounding. The estimated costs are: FY 1985--$53 million, FY 1986--$58 million, FY 1987--$62 million, and FY 1988--$68 million.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6629

RIN: 0960-AB33

543. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM REOPENING AND REVISING DETERMINATIONS AND DECISIONS WHERE THERE IS CLEAR ERROR OR NEW AND MATERIAL EVIDENCE

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 410, Subpart F

Abstract: These proposed rules would make two changes on when a determination or decision affecting someone's rights may be reopened and revised. These changes would permit reopening more than 4 years after the date of the notice of the initial determination so that we can correct clerical errors or errors on the face of the evidence considered in making the determination or decision. We are proposing to make these changes so that we can correct erroneous determinations or decisions discovered more than 4 years after the date of the initial determination. In addition, the proposed rules would establish a new administrative action called a "non-action finding." A "non-action finding" occurs when we fail to act on a report by a beneficiary and as a result fail to make an adverse change in the individual's benefits. A "non-action finding" is final and binding on both us and the beneficiary, subject to special rules on reopening and revising that action. We are proposing to make this change so that a beneficiary is protected under rules covering the reopening and revising of determinations and decisions against the retroactive effect of a (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Additional Information: TITLE CONT: Adjudicative Non-Action.

ABSTRACT CONT: determination made more than 4 years later based on that report. Expansion of the time limits - Saving of $78.6 million in benefit payments per year; "Non-action finding"-Cost of $400,000 a year in benefit payments.

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AB34

544. SUPPLEMENTAL SECURITY INCOME PROGRAMS; ELIGIBILITY; CONTINUATION OF BENEFITS AND ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK

Legal Authority: PL 98-460, Sec 14(a)

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.263; 20 CFR 416.264; 20 CFR 416.265; 20 CFR 416.266; 20 CFR 416.267; 20 CFR 416.268; 20 CFR 416.269

Abstract: Reflects the provisions of Section 14(a) of P.L. 98-460, which changes from December 31, 1983 to June 30, 1987 the day on which sections 1619 (a) and (b) of the Social Security Act are to expire. The projected annual program savings are $4.7 million; $5.6 million SSI benefit savings and $0.9 million Medicaid costs. Total estimated administrative expenses are $420,000.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Agency Contact: Fred Miranda, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7341**

RIN: 0960-AB35

545. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; COMPLIANCE WITH FEDERAL LAW

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; PL 98-460, Sec 17

CFR Citation: 20 CFR 404; 20 CFR 416

Abstract: The regulations deal with the operation of State agencies which make disability determinations for the Social Security Disability Benefits program and the Supplemental Security Income for the Aged, Blind, and Disabled program under regulations and other written SSA guidelines. The regulations implement recently enacted law which requires the Secretary to take definitive steps within specific time frames to assure the compliance of State agencies with SSA regulations and other written guidelines or proceed to determine their participation in the SSA administered programs. The regulations also make other changes to improve the disability determination process and to clarify and update other administrative requirements. Costs/savings cannot be estimated at this time.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB36

546. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

Significance: Agency Priority

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382(d)

CFR Citation: 20 CFR 404; 20 CFR 416

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to VRA's for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their unexpected medical recovery. The second new provision allows payment to VRA's for the costs of VR services provided to beneficiaries/recipients who refuse without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than 1 million dollars.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulation, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB37

547. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) Retroactive SSI benefits will be reduced where retroactive OASDI benefits for the same period have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable retroactively upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AB38

548. ● OLD AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1523; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 416.923

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. We are revising regulations which explain how we evaluate multiple severe impairments to reflect that we will now consider the combined effect of impairments to determine severity. When the combined effect is found to be severe, that the person's impairments are evaluated under the full sequential evaluation process. Current cost estimates for fiscal years 1985 and 1986 are as follows: Additional title II benefits: less than $5 million per year. Additional SSI benefits: FY 1985-negligible; FY 1986- $1 million.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/85	50 FR 0726
Final Action	03/00/86	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB39

549. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416, Subpart E

Abstract: These proposed rules which implement section 2612 of Pub. L. 98-469 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. They will apply the 10 percent requirement only to recipients in current payment status. However, recovery of an overpayment by withholding from SSI payments due will be suspended when a recipient is subject to the $25 payment limitation (living arrangement D). The 10 percent limit will not apply in situations involving installment agreements, recovery by refund, cross program adjustment or where it is determined that the overpayment occurred because of recipient fraud or willful misrepresentation. They will, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after factual evaluation. Such cases will also be considered initial determinations for (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: which the recipient has appeal rights. Estimated costs are FY 1985--$22 million, FY 1986--$2 million, FY 1987--$2 million, FY 1988--$2 million, FY 1989--$2 million.

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7459

RIN: 0960–AB40

550. OLD-AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 3; 42 USC 205; 42 USC 423 (d) (5); 42 USC 1302; 42 USC 138

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Abstract: These proposed regulations reflect a temporary statutory standard (through December 31, 1986) for evaluating cases involving pain or other symptoms. This standard reflects SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd, Baltimore, Maryland 21235, 301 594-7415

RIN: 0960–AB41

551. ● DISCLOSURE OF PERSONAL INFORMATION TO LAW ENFORCEMENT AGENCIES AND COURTS

Significance: Regulatory Program

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 1306; 26 USC 6103

CFR Citation: 20 CFR 401

Abstract: Under present rules, disclosure to a law enforcement agency is allowed only whena violent crime has been committed and the subject of the information has been either indicted or convicted of that crime. These rules severely restrict permissible disclosures, since most subjects, once indicted or convicted, are already in custody or otherwise accounted for, the change now proposed would allow disclosure also when the individual is suspected of a violent crime. With this change, the number of disclosures would still be small, but the modified rule would permit disclosure in the occasional case in which the police are searching for a person suspected of a violent crime and this agency has whereabouts information the disclosure of which is not otherwise prohibited. In these cases we believe that society's need to apprehend the suspect generally outweighs the suspect's privacy rights.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Pete Benson, Social Insurance Specialist, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-5622

RIN: 0960–AB66

552. ● AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; FOOD STAMP PROGRAM; POLICY CONSISTENCY

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: Not yet determined

Abstract: We are seeking ways to develop greater consistency in eligibility policies and procedures between the AFDC and Food Stamp programs, within existing statutory requirements. We are particularly interested in how we can make similar requirements in the two programs identical and streamline processes. The aim is to improve and simplify program administration and ease the burden placed upon the individuals applying for assistance.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
ANPRM Comment Period Begin	02/19/85	50 FR 6970
ANPRM Comment Period End	04/22/85	
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Michael H. deMaar, Director, Office of Policy and Evaluation, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, 202 245-3290

RIN: 0960–AB71

553. ● AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADMINISTRATIVE IMPROVEMENT IN THE AFDC PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 602; 42 USC 603; 42 USC 606; 42 USC 607; 42 USC 1302

CFR Citation: 45 CFR 201; 45 CFR 205; 45 CFR 206; 45 CFR 225; 45 CFR 232; 45 CFR 233; 45 CFR 234; 45 CFR 237

Abstract: Changes to the regulations implementing the Emergency Assistance (EA) Program are needed to reduce the potential for conflicting interpretations of the enabling legislation and for using the EA program to be dealt with through other programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Michael H. deMaar, Director, Office of Policy and Evaluation, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Room B-428, Washington, DC 20201, 202 245-3290

RIN: 0960–AB72

554. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUDICATION OF SOCIAL SECURITY DISABILITY CLAIMS (PRE-RULEMAKING ACTIVITIES)

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Abstract: The Disability Program is a dynamic program that is subject to ongoing review and change. It is essential that certain actions be taken that ensure the rules under which the program operates (a) reflect legislative changes, (b) reflect chronological

changes, and (c) are complete. In addition, the public must have an opportunity to comment on these rules. More specifically our goals are as follows: (A) To implement PL 98-460, the Disability Benefits Reform Act of 1984, in a way that is consistent with legislative interest and administrative effectiveness. (B) To develop disability guidelines, procedures, and policies which can be consistently interpreted and applied throughout all lines of the disability process and are in compliance with PL 98-460, section 10, which requires that all major disability policies be published as regulations. (C) To assure that disability program policies and adjudicative criteria are consistent with the latest advances in medicine and vocational assessment and realistic in relationship to measurements available for assessing disability.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: This entry does not describe one regulation but is descriptive of a number of regulations which may result from our review of disability rulings as required by section 10 of PL 98-460.

Agency Contact: Jean M. Hinckley, Department of Health and Human Services, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-2740**

RIN: 0960-AB73

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555. ● REFUGEE RESETTLEMENT PROGRAM; REFUGEE CASH AND ASSISTANCE; REQUIREMENTS FOR JOB SEARCH, EMPLOYMENT SERVICES, AND EMPLOYMENT; REFUGEE MEDICAL ASSISTANCE; AND REFUGEE SUPPORT SERVICES

Significance: Regulatory Program

Legal Authority: 8 USC 1522(a)(9)

CFR Citation: 45 CFR 400

Abstract: This regulation will establish requirements governing refugee cash assistance; job search, employability services, and employment on the part of applicants for, and recipients of, refugee cash assistance; refugee medical assistance; and refugee support (social) services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Philip A. Holman, Director, Div. of Policy & Analysis, ORR, Department of Health and Human Services, Social Security Administration, Rm 1229, 330 C Street, SW, Washington, DC20201, **202 245-3027**

RIN: 0960-AB74

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556. ● OLD AGE, SURVIVORS, DISABILITY INSURANCE, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; ALCOHOLISM OR DRUG ADDICTION

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P

Abstract: Section 12.04 of Appendix 1, Part A to the Disability regulations (404.1501 through 404.1598) describes medical criteria for evaluating the psychiatric manifestations of alcohol or drug addiction disorders. We are proposing a revision to that section in recognition of the numerous clinical manifestations in more than one body system which can be used to establish alcoholism or drug addiction as a medically determinable impairment. The proposed regulation will describe alcoholism or other drug dependency which would be considered severe enough to prevent an individual from doing any gainful activity. The proposed revision will reflect advances in medical treatment of and in methods of evaluating alcohol or other drug addiction disorders and will provide up-to-date medical criteria for use in the evaluation of disability claims based on such disorders. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir., Div. of Medical & Vocational Policy, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AB75

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557. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE; BLACK LUNG; AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EXPANSION OF BASES FOR DISQUALIFICATION OF CLAIMANT REPRESENTATIVE

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 30 USC 923

CFR Citation: 20 CFR 404; 20 CFR 410; 20 CFR 416

Abstract: The proposed changes expand the regulatory bases for the suspension or disqualification of claimant representatives. There has been an increase in the number of concerns about the conduct of some representatives. The complaints concern conduct and behavior which are inconsistent with the role and responsibilities representatives take, but such conduct and practices do not constitute grounds for suspension or disqualification under current regulations. The proposed additional bases for suspension or disqualification will give us the regulatory authority to suspend or disqualify in these situations.

The proposed changes will result in negligible program or administrative costs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AB76

558. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; WAIVER OF ADJUSTMENT OR RECOVERY OF OVERPAYMENTS, AND LIABILITY OF A CERTIFYING OFFICER AGAINST EQUITY AND GOOD CONSCIENCE; DEFINED

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 427; 42 USC 1302

CFR Citation: 20 CFR 404.509

Abstract: The proposed change would allow us to grant waiver of recovery of the overpayment to such contingently liable individuals who are without fault and living in a separate household at the time of the overpayment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6629

RIN: 0960-AB77

559. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; OVERPAYMENTS, UNDERPAYMENTS, WAIVER OF ADJUSTMENT OR RECOVERY OF OVERPAYMENTS, AND LIABILITY OF A CERTIFYING OFFICER--ETC

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 427; 42 USC 1302

CFR Citation: 20 CFR 404.501; 20 CFR 404.502

Abstract: These proposed amendments to the regulations amend the definition of overpayment as it appears in the regulations to make it clear that the term "overpayment" includes not only checks sent directly to a payee but payments made to a financial institution either by means of a check or through electronic fund transfer. They also incorporate into the regulations longstanding policies concerning the circumstances under which individuals other than the overpaid persons themselves are liable for repayment of an overpayment. No increased program or administrative costs are anticipated as these rules make no changes in our policies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: TITLE CONT: Overpayments.

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6629

RIN: 0960-AB78

560. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF TRUST PROPERTY THAT IS AVAILABLE FOR A BENEFICIARY'S SUPPORT AND MAINTENANCE

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383

CFR Citation: 20 CFR 416.1201

Abstract: This proposed regulation provides that assets held in trust for a beneficiary of a trust will be a countable resource if available for the beneficiary's support and maintenance. It would include as countable assets those that will not be disbursed either at the discretion of the trustee or at the direction of the trustor because such disbursement would adversely affect the beneficiary's eligibility for Supplemental Security Income benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7463

RIN: 0960-AB79

561. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; AMENDED EXCEPTIONS TO REDUCTION WHERE SPOUSE IS RECEIVING A GOVERNMENT PENSION; DECREASED AMOUNT OF REDUCTION

Legal Authority: 42 USC (b); 42 USC (c); 42 USC (e); 42 USC (f)

CFR Citation: 20 CFR 404.408a

Abstract: In these proposed regulations, we are amending our rules on reducing the Social Security benefit amounts of spouses who are receiving Government pensions. The amendments, which implement section 2 of Pub. L. 98-617, provide that, for beneficiaries subject to this reduction, the benefit reduction in all cases will be two-thirds (instead of 100 percent) the amount of the spouse's Government pension. The amendments also extend by one month the periods for meeting the existing exceptions to reduction in cases where an employee's pension eligibility was delayed by one month solely because of a requirement which postponed eligibility for the pension until the month after the month in which all other requirements were met. The changes are effective for benefits payable for December 1984 and later months. These regulations will cost the Social Security trust funds $10 million per year in increased benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6785

RIN: 0960-AB80

562. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; UNLIMITED REOPENING FOR INSURED STATUS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404

Abstract: It is our policy that a determination or decision which finds that the claimant did not have insured status at the time of the determination may be reopened only in certain situations where the Act permits a correction in the earnings credited to the individual's earnings record and where the evidence of earnings was in the possession of the Railroad Retirement Board or the Social Security Administration prior to the date of notice of disallowance or denial. The current regulations do not contain specific references to the particular sections of the Act concerning the

correction of earnings. The proposed regulations contain specific references to the particular sections of the Act which will permit unlimited reopening and revision of an unfavorable determination or decision concerning insured status.

The changes will result in negligible administrative costs or savings. They have no effect on program costs or savings because the proposed changes represent long standing established policy.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7452

RIN: 0960-AB81

563. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; PERIOD OF DISABILITY--WHEN YOU MAY NOT BE ENTITLED TO BENEFITS

Legal Authority: 42 USC 402; 42 USC 405; 42 USC 416; 42 USC 423; 42 USC 428; 42 USC 1302

CFR Citation: 20 CFR 404

Abstract: This proposed regulation would prohibit an individual from receiving any underpayment due a beneficiary other than the worker, if the individual requesting the underpayment due the beneficiary intentionally killed that beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB82

564. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; DETERMINING FIRST MONTH OF ENTITLEMENT BASED ON ONE-HALF SUPPORT

Legal Authority: 42 USC 402(b)(4)

CFR Citation: 20 CFR 404.366(b)

Abstract: Under present regulations, an insured person can be found to be providing one-half support to a claimant if he or she makes regular contributions for support and the amount exceeds one-half of the claimant's ordinary living costs. The usual approach for determining one-half support is to compare the amount of the insured's contributions with the total income of the claimant.

The proposed regulations change would more accurately reflect that the claimant's total income for support purposes is always considered in the support determination. The change would more specifically address the situation where a claimant elects to invest or otherwise segregate his or her own income and claim one-half support from the insured person. This situation will most frequently arise in cases involving Government pension offset. There would be no significant costs/savings since the policy is already being interpreted in this manner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7460

RIN: 0960-AB83

565. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; WITHDRAWAL OF AN APPLICATION

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404

Abstract: The proposed regulation will restore the intended meaning of 20 CFR 404.640(b)(2) which was inadvertently altered during a recodification. The regulation will state than an application may be withdrawn after a determination has been made on it if "any other person whose entitlement would be rendered erroneous because of the withdrawal consents in writing to it."

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB84

566. ● ORGANIZATIONS AND PROCEDURES; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC--SOCIAL SECURITY RULINGS--ACQUIESCENCE SERIES

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1395; 42 USC 1395(a)(2); 42 USC 1395hh; 5 USC 552

CFR Citation: 20 CFR 422

Abstract: These interim regulations describe a new type of Social Security Ruling which will be available to the public under the Freedom of Information Act and which will be applied at certain levels of the Social Security Administration's adjudicative process. The new Social Security Rulings--Acquiescence Series which reflect the agency's treatment of certain Courts of Appeals decisions, will apply only at the administrative law judge and Appeals Council levels. At these levels, we will apply Courts of Appeals holdings as interpreted in these new rulings to other cases involving the same issue (unless relitigation of the issue is decided upon).

These regulations will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7452

RIN: 0960-AB85

567. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF ALASKA NATIVE AND REGIONAL VILLAGE CORPORATION DIVIDEND DISTRIBUTION

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416, Subpart K, Appendix

Abstract: This proposed regulation would clarify that payments received under the Alaska Native Claims Settlement Act are only excluded as income to the extent they are exempt from taxation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Irv Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 597-3409

RIN: 0960-AB86

568. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REDUCTION BECAUSE OF ENTITLEMENTS TO OTHER BENEFITS

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 1302

CFR Citation: 20 CFR 404.407, (Revision); 20 CFR 404.612

Abstract: Section 202(k)(4) of the Social Security Act discusses simultaneous entitlement to retirement and disability insurance benefits (RIB/DIB) and provides that SSA will pay the higher benefit unless the claimant elects to be paid the lower. Section 223(a)(1) explains that an application for DIB may be filed by someone other than the number holder (NH) within 3 months after the month of the NH's death. Strict interpretation had been made of section 202(k)(4) so that no one other than the NH (or proper applicant on behalf of a living NH) could make the election described in section 202(k)(4). In section 404.612(d) of the CFR, the explanation of section 223(a)(1) is given. We have recently published new operating policy which explains that the same person who files an application pursuant to CFR section 404.612(d) may make the election described in CFR 404.407(c).

We are proposing to change CFR 404.407(c) to clarify that the person described in section 404.612(d) may make the election discussed in section 202(k)(4).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: We considered changing the requirements in CFR 404.640 for withdrawing an application to enable the individual who filed a DIB application pursuant to CFR 404.612(d) to withdraw the application. However, the change would only apply to disability applications filed after the death of the NH and would not have affected RIB/DIB applications filed by NH's who die prior to making the election described in 404.407(c). The proposed change, therefore, will be more equitable. We foresee minimal costs from this change since the number of potentially affected beneficiaries is small and the period of time during which they will receive the higher family maximum amount (based on the RIB) will only be for the months during which the deceased NH is simultaneously entitled to DIB. Also, this cost will be offset by administrative savings since overpayments will not be created and have to be recovered in situations where NH's die prior to the DIB determination where RIB has been paid.

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB87

569. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; EXTENSION AND REEXTENSION AGREEMENTS FOR ASSESSMENT, CREDIT OR REFUND OF AMOUNTS DUE OR OVERPAID BY A STATE

Legal Authority: 42 USC 418(q); 42 USC 418(r)

CFR Citation: 20 CFR 404.1281; 20 CFR 404.1286

Abstract: In these proposed regulations, we are revising our rules on agreeing to extensions of the periods during which we may assess a State for amounts due and in which a State may file its claim for refund of, or credit for, overpayments under its coverage agreement with the Secretary of Health and Human Services. (Coverage of Services performed by State and local governmental employees is by agreement under Section 218 of the Social Security Act (the Act). We will agree to extend or reextend the time limit for no more than 6 months at a time and, further, will enter into reextension agreements only if certain conditions are met. With these revisions of the rules, we believe we will be more closely complying with the intent of Section 218(q) and (r) of the Act. Costs are expected to be negligible.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6785

RIN: 0960-AB88

570. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE, SUPPLEMENTAL SECURITY INCOME & BLACK LUNG PROGRAMS--OWN MOTION REVIEW OF FEE DETERMINATION

Legal Authority: 42 USC 405; 42 USC 406; 42 USC 1302; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957; 42 USC 1383

CFR Citation: 20 CFR 404.1720; 20 CFR 410.686; 20 CFR 416.1520

Abstract: We propose to revise our regulation on review of attorney fee

determinations approved for services before the Social Security Administration (SSA) under titles II and XVI of the Social Security Act and under title IV of the Federal Mine Safety and Health Act. These revised rules, if adopted, will allow SSA on its own motion to review and revise attorney fee determinations which are clearly based on improper application of the law and regulations, or on an error of fact. This change extends authority to SSA for reopening fee determinations; an initiative by regulation which is now only applicable to an attorney or his/her client. The savings from this regulation are negligible.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AB89

571. ● OLD AGE, SURVIVORS, AND DISABILITY INSURANCE; BLACK LUNG; SUPPLEMENTAL SECURITY INCOME PROGRAMS; COMPONENT RECOMMENDATION THAT THE APPEALS COUNCIL REVIEW ALJ DECISIONS

Legal Authority: 42 USC 405; 42 USC 406; 42 USC 408; 42 USC 1302; 42 USC 1383; 42 USC 1383a; 30 USC 923

CFR Citation: 20 CFR 404; 20 CFR 410; 20 CFR 416

Abstract: These proposed regulations add to our regulations procedures under which a Social Security component responsible for carrying out an administrative law judge hearing decision may recommend to the Appeals Council that the Appeals Council review the decision. Also, we are revising our regulations to make it clear that the Social Security Administration may reopen a final determination or decision on its own initiative. We are adding these rules to our regulations to make the public aware of these procedures and clarify any questionable issues.

The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AB90

572. ● AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION -- PUBLIC ASSISTANCE PROGRAM-- QUALITY CONTROL SYSTEM

Legal Authority: 42 USC 1302; PL 97-248; PL 96-123

CFR Citation: 45 CFR 205.42; 45 CFR 205.44

Abstract: These proposed rules amend the QC regulations under the AFDC program by introducing two primary changes. The first establishes a new performance-based threshold to determine whether or not States that failed to meet the statutory error standards can, in fact, be considered for a waiver. The revision replaces the provision at 45 CFR 205.42(g)(2)(v) regarding a timely developed and implemented corrective action plan, as well as the requirement at 45 CFR 205.44(g)(2)(iv) relating to a demonstrated error reduction from the last assessment period. The second, which generally pertains to those States which are eligible to be considered for a waiver by virtue of having met the threshold, establishes more definitive criteria to be used in determining whether waivers will be granted.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Barbara M. Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AB91

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Completed Actions

Social Security Administration (SSA)

COMPLETED RULEMAKINGS

573. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REVISED RULES FOR CERTAIN MEDICAL CESSATION CASES

Significance: Regulatory Program

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Completed:

Reason	Date	FR Cite
Regulation combined with AB25	08/00/85	

Small Entity: No

Agency Contact: Harry Short 301 594-7337

RIN: 0960-AA10

574. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; FEE SCHEDULE FOR INFORMATION

CFR Citation: 20 CFR 401; 20 CFR 422, Subpart E

Completed:

Reason	Date	FR Cite
Final Action	07/15/85	50 FR 28565

Small Entity: No

Agency Contact: Cliff Terry 301 594-7519

RIN: 0960–AA15

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575. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADJUSTMENT OF FEDERAL SHARE FOR UNCASHED/CANCELLED CHECKS

CFR Citation: 45 CFR 201.5; 45 CFR 201.67

Completed:

Reason	Date	FR Cite
Final Action	09/17/85	50 FR 37659

Small Entity: No

Agency Contact: Barbara Levering 202 245-2637

RIN: 0960–AA29

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576. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; TIME LIMITATIONS FOR ISSUING HEARING DECISIONS AND FOR APPEALS COUNCIL ACTIONS

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 416, Subpart N

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	07/00/85	

Small Entity: No

Agency Contact: Joy Loving 703 235-8524

RIN: 0960–AA44

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577. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; COVERAGE OF EMPLOYEES OF U.S. NON-PROFIT ORGANIZATIONS AND FOREIGN AFFILIATES OF AMERICAN EMPLOYERS; COVERAGE UNDER ETC

CFR Citation: 20 CFR 404, Subpart B; 20 CFR 404, Subpart K

Completed:

Reason	Date	FR Cite
Final Action	09/09/85	50 FR 36571

Small Entity: No

Agency Contact: Dave Smith 301 594-7460

RIN: 0960–AA63

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578. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME; CHANGES OF TIME OR PLACE OF HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES, NOTICE OF HEARINGS, AND DISMISSAL ETC

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 416, Subpart N

Completed:

Reason	Date	FR Cite
Final Action	05/24/85	50 FR 21433

Small Entity: No

Agency Contact: Eugene R. Larkin 703 235-8545

RIN: 0960–AA78

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579. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CATEGORIES OF IMPAIRMENTS-AIDS

CFR Citation: 20 CFR 416.934

Completed:

Reason	Date	FR Cite
No further action needed	07/00/85	

Small Entity: No

Agency Contact: William J. Ziegler 301 594-7415

RIN: 0960–AA91

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580. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-APPENDIX 1 - PART A

Significance: Regulatory Program

CFR Citation: 20 CFR 404, Subpart P

Completed:

Reason	Date	FR Cite
Final Action	08/28/85	50 FR 35038

Small Entity: No

Agency Contact: William Ziegler 301 594-7415

RIN: 0960–AA93

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581. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY- PERFORMANCE STANDARD REVISIONS AND OTHER CHANGES INVOLVING ETC

CFR Citation: 20 CFR 404, Subpart Q; 20 CFR 416, Subpart J

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	07/00/85	

Small Entity: No

Agency Contact: William Ziegler 301 594-7415

RIN: 0960–AA98

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582. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

CFR Citation: 20 CFR 404.1500ff; 20 CFR 404.1600ff; 20 CFR 416.900ff; 20 CFR 416.1000ff

Completed:

Reason	Date	FR Cite
Regulation is duplicate of AB-31 Cancelled	07/00/85	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr. 301 597-3352

RIN: 0960–AB15

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583. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE UNDER COLOR-OF-LAW

CFR Citation: 20 CFR 416.1618

Completed:

Reason	Date	FR Cite
Regulation Action Deferred Pending Outcome of Appeal to Circuit Court	08/27/85	

Small Entity: No

Agency Contact: Dave Smith 301 594-7460

RIN: 0960–AB24

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Current and Projected Rulemakings

Office of Child Support Enforcement (OCSE)

584. ● INTERSTATE CHILD SUPPORT ENFORCEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 654(9); 42 USC 1302

CFR Citation: 45 CFR 302.36; 45 CFR 303.7; 45 CFR 303.52

Abstract: These proposed regulations would revise existing regulations governing interstate cooperation to require States to adopt uniform procedures for working interstate child support enforcement cases. These procedures would address such issues as: notice and information requirements, time frames, who pays for IV-D services provided, and information exchange between initiating and responding States.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Boulevard, Rockville, Maryland 20852, **301 443-5350**

RIN: 0992-AA17

585. MEDICAL SUPPORT ENFORCEMENT

Legal Authority: 42 USC 654(13); 42 USC 1302; 42 USC 652(f)

CFR Citation: 45 CFR 304.20; 45 CFR 304.23; 45 CFR 306.50; 45 CFR 306.51; 45 CFR 302.80; 45 CFR 306.0

Abstract: Currently, medical support enforcement activities are pursued through cooperative agreements between the State IV-D agency and the State Medicaid agency. This regulation requires all State IV-D agencies to attempt to obtain minimal medical support information. This will result in increased use of available third party resources in the form of private medical insurance and in medical cost savings to State and Federal governments. State IV-D agencies are also required to petition to include medical support in new or modified orders for support, if employment-related medical insurance is or could become available to the absent parent.

Timetable:

Action	Date	FR Cite
NPRM	08/04/83	48 FR 35468
Final Action	10/00/85	

Small Entity: No

Agency Contact: Carol Jordan, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA12

586. OMB CONTROL NUMBERS FOR INFORMATION COLLECTION REQUIREMENTS CONTAINED IN OCSE REGULATIONS

Legal Authority: 42 USC 1302; 44 USC 3507(f); 44 USC 3512; 44 USC 3516

CFR Citation: 45 CFR 300, (New)

Abstract: To implement the provisions of section 3512 of Paperwork Reduction Act of 1980 and the regulations at 5 CFR 1320.5(b) implemented by the Office of Management and Budget (OMB), OCSE is displaying in 45 CFR Part 300 current OMB control numbers for information collection requirements contained in OCSE regulations. Additional control numbers will be added to the numbers in 45 CFR Part 300 when we are notified by OMB.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Gail Blatt, Program Technician, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Blvd., Rockville, Maryland 20852, **301 443-5350**

RIN: 0992-AA15

587. ● MEDICAL SUPPORT ENFORCEMENT #2

Significance: Regulatory Program

Legal Authority: 42 USC 652(f); 42 USC 1302

CFR Citation: 45 CFR 306

Abstract: These proposed regulations would revise existing requirements governing cooperative agreements between Medicaid and IV-D agencies to provide medical support enforcement services and require enhanced State IV-D agency efforts in medical support enforcement.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: Related to RIN 0992-AA12 - Medical Support Enforcement.

Agency Contact: Mary Brogan, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Boulevard, Rockville, Maryland 20852, **301 443-5350**

RIN: 0992-AA18

588. PROHIBITION OF FEDERAL FUNDING OF COSTS OF INCARCERATION AND COUNSEL FOR INDIGENT ABSENT PARENTS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 304.23

Abstract: This proposed rule would prohibit Federal funding under the Child Support Enforcement program for expenditures resulting from incarceration of absent parents in child support enforcement cases and costs of counsel for indigents in IV-D initiated actions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, **301 443-5350**

RIN: 0992-AA19

589. DISREGARD OF CHILD SUPPORT PAYMENTS; REGULATIONS IMPLEMENTING THE DEFICIT REDUCTION ACT OF 1984

Legal Authority: 42 USC 1302; 42 USC 657(b)(1)

CFR Citation: 45 CFR 302.51

Abstract: This interim final rule implements the Deficit Reduction Act of 1984 which amends the Social Security

Act to require that the first $50 collected on a monthly support obligation be paid to the Aid to Families with Dependent Children (AFDC) family. This amount does not affect the family's AFDC eligibility or the amount of assistance to which they were entitled.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	10/00/85	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Jordan, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, **301 443-5350**

RIN: 0992–AA20

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Child Support Enforcement (OCSE)

Completed Actions

COMPLETED RULEMAKINGS

590. TREATMENT OF ASSIGNED SUPPORT PAYMENTS RECEIVED DIRECTLY AND RETAINED BY AFDC RECIPIENTS

CFR Citation: 45 CFR 232.12; 45 CFR 233.20; 45 CFR 302.31; 45 CFR 303.80

Completed:

Reason	Date	FR Cite
Final Action	08/27/85	50 FR 34693

Small Entity: No

Agency Contact: Carol Jordan **301 443-5350**

RIN: 0992–AA08

591. REVISION OF IV-D PROGRAM AUDIT REGULATIONS

Significance: Regulatory Program

CFR Citation: 45 CFR 305; 45 CFR 205.146(d)

Completed:

Reason	Date	FR Cite
Final Action	10/01/85	50 FR 40120

Small Entity: No

Agency Contact: Michael P. Fitzgerald **301 443-5350**

RIN: 0992–AA13

592. IMPLEMENTATION OF CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

CFR Citation: 45 CFR 301.1; 45 CFR 302; 45 CFR 303; 45 CFR 304; 45 CFR 305; 45 CFR 307

Completed:

Reason	Date	FR Cite
Final Action	05/09/85	50 FR 19608
Final Action Effective	05/09/85	50 FR 19608

Small Entity: No

Agency Contact: Elizabeth Matheson **301 443-5350**

RIN: 0992–AA16

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)

Current and Projected Rulemakings

Office of Assistant Secretary for Health (OASH)

593. GRANTS FOR ADOLESCENT PREGNANCY AND FAMILY LIFE PROJECTS

Legal Authority: 42 USC 300z et seq Public Health Service Act

CFR Citation: 42 CFR 59

Abstract: The proposed rule would establish the requirements for grants for demonstration projects funded under Title XX of the Public Health Service Act. The title authorizes the Department of Health and Human Services to make grants to projects that will provide health, social and education services to pregnant and nonpregnant adolescents, adolescent parents, and their families.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22750
NPRM Comment Period Begin	05/20/83	48 FR 22750
NPRM Comment Period End	07/19/83	
Final Action	00/00/00	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Given the size of the appropriation anticipated, the number of grants for demonstration projects that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: Donald Underwood, Grants Management Officer, Department of Health and Human Services, Public Health Service, Office of Adolescent Pregnancy Programs, Room 1351, HHS-N, 330 Independence Ave.,S.W., Washington, DC 20201, **202 245-0146**

RIN: 0905–AA24

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — **Current and Projected Rulemakings**
Public Health Service (PHS) — **Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)**

594. CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Significance: Agency Priority

Legal Authority: 42 USC 290ee-3; 42 USC 290dd-3

CFR Citation: 42 CFR 2

Abstract: Federal law requires that certain alcohol and drug abuse patient records be kept confidential. A comprehensive rewrite of implementing regulations proposed in the NPRM simplifies and substantially shortens existing rules and proposes major substantive changes including: (1) Limiting applicability to specialized alcohol and drug abuse programs, (2) Requiring notice to patients of Federal confidentiality requirements, (3) Including a sample consent form, (4) Eliminating the impediment to a patient's access to her/his own records, (5) Eliminating most sections restricting disclosures based on patient consent, (6) Eliminating the prohibition on the entry of a court order authorizing disclosure of subjective information regarding a patient.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	01/02/80	45 FR 53
NPRM	08/25/83	48 FR 38758
NPRM Comment Period End	10/24/83	
Final Action	10/00/85	

Small Entity: No

Additional Information: The location of the confidentiality provisions for alcohol and drug abuse patient records has been transferred from one public law to another and has been changed in the United States Code. P.L. 98-24, the Alcohol and Drug Abuse Amendments of 1983, consolidates alcohol, drug abuse, and mental health authorities in Title V of the Public Health Service Act. Section 408 of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1175) is transferred to section 527 of the Public Health Service Act and is now codified at 42 U.S.C. 290ee-3. Section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4582) is transferred to section 523 of the Public Health Service Act and is now codified at 42 U.S.C. 290dd-3.

Agency Contact: Judith T. Galloway, Regulations Officer, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 13C-06, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-3200**

RIN: 0905-AA26

595. OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

Legal Authority: 42 USC 242a

CFR Citation: 42 CFR 64a

Abstract: This rule implements statutory service payback obligations of recipients of clinical traineeships in psychology, psychiatry, social work, or nursing. The NPRM would revise 42 CFR 64a to establish a uniform rate of interest for all individuals who receive clinical traineeships, clarify that funds owed to the government become a debt when the trainee fails to complete the obligation, require that training institutions conduct entrance and exit interviews with trainees to inform them of the seriousness of their service obligations, and provide guidelines for hardship deferrals. The option in existing regulations is to continue the potential for 50 different interest rates with disputes ensuing over what the maximum rate is within each jurisdiction. In addition the existing rule permits a 5-year interest-free period which the NPRM would reduce to 2 years. The NPRM will reduce costs to the government by reducing the interest-free period and by avoiding the expense of settling disputes concerning the correct interest rate for payback obligations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Agency Contact: Joan Jenkins, Chief, Ofc. of Human Resources P&E Br; OPDPE, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 17C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-3657**

RIN: 0905-AB48

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]
BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — **Current and Projected Rulemakings**
Public Health Service (PHS) — **Centers for Disease Control (CDC)**

596. PROJECT GRANTS FOR HEALTH PROGRAMS FOR REFUGEES

Legal Authority: 8 USC 1522(b) Section 412(b)(5) Immigration and Nationality Act; PL 96-212 Refugee Act of 1980; PL 97-363 Refugee Assistance Amendments of 1982

CFR Citation: 42 CFR 51e

Abstract: Regulations are required by Department policy for this project grant program administered by the Centers for Disease Control (CDC) under an intra-agency agreement with the Office of Refugee Resettlement (ORR). The project grants are awarded to State and local health agencies to assist them in providing initial health assessments to arriving refugees. These health assessments specifically address conditions of public health concerns, like tuberculosis, and also identify personal health problems that could impair the effective resettlement of the refugee. CDC has established the program requirements, guidelines, and standards for evaluation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: FTS 236-1802

Agency Contact: Anthony M. Scardaci, Associate Dir., Ctr. for Prevention Services, Department of Health and Human Services, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, GA 30333, **404 329-1802**

RIN: 0905-AB43

597. DISTRIBUTION OF REFERENCE BIOLOGICAL STANDARDS AND BIOLOGICAL PREPARATIONS

Significance: Regulatory Program

Legal Authority: 31 USC 9701 Independent Offices Appropriation Act of 1952; 42 USC 216 Sec 215, 58 Stat. 690, as amended; 42 USC 263 Sec 352 of the Public Health Service Act, as amended

CFR Citation: 42 CFR 7, (New)

Abstract: This proposal initiates a program that would impose a user charge upon a private agency which requests reference biological standards or biological preparations for their own comparative performance tests to cover the cost to the Centers for Disease Control (CDC) of developing and distributing the products. CDC is proposing to impose an average user charge of $24 per unit distributed. The cost will vary, depending upon the type of preparation requested. CDC is not proposing to impose a user charge for State and local health departments, the World Health Organization, or international governments because these materials are provided to those agencies for public health reasons and not for the benefit of the requesters.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: William K. Harrell, PH.D., Director, Biological Products Program, Department of Health and Human Services, Centers for Disease Control, Center for Infectious Diseases, 1600 Clifton Road, N.E., Atlanta, GA 30333, **404 329-3353**

RIN: 0905-AB49

598. SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Legal Authority: 30 USC 843 Federal Mine Safety and Health Act of 1977

CFR Citation: 42 CFR 37, (Revision)

Abstract: The National Institute for Occupational Safety and Health (NIOSH) administers an X-ray examination program for coal miners as mandated by the Federal Mine Safety and Health Act of 1977. The proposed amendment will provide additional specifications to enable X-ray readers in the Department's medical surveillance program for underground coal miners to interpret miners' chest X-rays more accurately to classify any existing or developing pneumoconiosis. The proposed changes are based on recommendations by NIOSH, the Mine Health Research Advisory Committee to NIOSH, and the American College or Radiology Task Force on Pneumoconiosis. The proposed rule will expand the specification for X-ray film size, specify film/screen combinations and speeds which can be used, and specify the method for obtaining a definitive interpretation of chest X-rays when two readers' interpretations do not agree.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Ms. Mitzie Martin, Chief, Receiving Center Section, Department of Health and Human Services, Centers for Disease Control, Examinatns Proc Br, Div of Resp Dis Studies, NIOSH, 944 Chestnut Ridge Rd., Morgantown, WV 26505, **304 291-4301**

RIN: 0905-AB51

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)

Existing Regulations Under Review
Centers for Disease Control (CDC)

599. ● IMPROVE STANDARDS FOR RESPIRATOR DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 801

CFR Citation: 30 CFR 11

Abstract: There are three major problems that the proposed regulatory action is intended to solve. First, the current regulatory provisions in 30 CFR 11 in some instances date back almost fifty years. As a result the provisions are not current with many of the extensive changes in respirator technology. Second, the current regulations do not provide for testing of respirators under either actual or simulated use conditions prior to certification. Third, the resources required to conduct routine respirator certification testing has made it difficult for NOISH to keep respirator performance standards current with advances in respirator technology and with new knowledge on respirator performance characteristics. Alternatives considered: (1) the Federal government could relinquish the field entirely to the private sector. (2) The Federal government could promulgate performance standards but not be involved in asuring compliance with those standards. (3) The Federal government could continue to be the certifier of respirators but have manufacturers conduct testing. (4) The Federal government could continue its present role of total operation of the respirator system. NIOSH (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: selected alternative number (3). Cost is yet to be determined.

Agency Contact: Glendal J. Provost, Science Advisor, Department of Health and Human Services, Public Health Service, Office of the Director, NIOSH, Centers for Disease Control, **404 236-3343**

RIN: 0905-AB58

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]
BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)

Current and Projected Rulemakings
Food and Drug Administration (FDA)

600. OBLIGATIONS OF SPONSORS OF CLINICAL INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360b to 360f Federal Food, Drug, and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 52; 21 CFR 71; 21 CFR 170; 21 CFR 171; 21 CFR 180; 21 CFR 310; 21 CFR 312; 21 CFR 314; 21 CFR 320; 21 CFR 330; 21 CFR 430; 21 CFR 431; 21 CFR 510; 21 CFR 511; 21 CFR 514; ...

Abstract: This proposed rule would clarify or revise certain existing requirements concerning obligations of persons who sponsor clinical investigations involving a drug or medical device and extend those requirements to cover other products regulated by FDA. The rule is intended to provide greater protection of the rights and safety of subjects involved in clinical investigations and to help assure the quality and integrity of the data filed with FDA under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

Timetable:

Action	Date	FR Cite
NPRM	09/27/77	42 FR 49612
NPRM Comment Period Begin	09/27/77	42 FR 49612
NPRM Comment Period End	12/27/77	
Final Action	03/00/86	

Small Entity: Not Applicable

Agency Contact: Marilyn L. Watson, Spec. Asst. to the Division Director, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3640**

RIN: 0905-AA03

601. OVER-THE-COUNTER (OTC) DRUG REVIEW

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in NPRMs for "External Analgesic" & "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Anti-fungal," "Anti-microbial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM for (cont)

Supplemental Timetable:

Acne (Topical) Products
ANPRM 03/23/82 (47 FR 12430)
NPRM 01/15/85 (50 FR 2172)
Final Action 00/00/00

Alcohol (Topical) Products
ANPRM 05/21/82 (47 FR 22344)

Alertness Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 00/00/00

Anorectal Products
ANPRM 05/27/80 (45 FR 35576)
NPRM 00/00/00

Anthelmintic Products
ANPRM 09/09/80 (45 FR 59541)
NPRM 08/24/82 (47 FR 37062)
Final Action 00/00/00

Antibiotic First Aid Products
ANPRM 04/01/77 (42 FR 17642)
NPRM 07/09/82 (47 FR 29986)
Final Action 00/00/00

Anticaries Products
ANPRM 03/28/80 (45 FR 20666)
NPRM 10/00/85

Antidiarrheal Products
ANPRM 03/21/75 (40 FR 12924)
NPRM 00/00/00

Antidotes, Toxic Ingestion Products
ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
ANPRM 03/21/75 (40 FR 12934)
NPRM 07/13/79 (44 FR 41064)
Final Action 00/00/00

Antifungal (Topical) Products
ANPRM 03/23/82 (47 FR 12480)
NPRM 00/00/00

Antimicrobial Products
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 00/00/00

Antiperspirant Products
ANPRM 10/10/78 (43 FR 46694)
NPRM 08/20/82 (47 FR 36492)
Final Action 00/00/00

Aphrodisiac Products
ANPRM 10/01/82 (47 FR 43572)
NPRM 01/15/85 (50 FR 2168)
Final Action 00/00/00

Astringent (Wet Dressings) Products
ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
ANPRM 10/01/82 (47 FR 43566)
NPRM 00/00/00

Boil Ointments
ANPRM 06/29/82 (47 FR 28306)
NPRM 00/00/00

Camphorated Oil Drug Products
Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
ANPRM 02/12/80 (45 FR 9286)
NPRM 08/24/82 (47 FR 37068)
Final Action 06/10/83 (48 FR 27004)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 00/00/00

Cough/Cold (Anticholinergic) Products
Final Action 10/00/85

Cough/Cold (Anticholinergic/Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
Final Action 00/00/00

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 00/00/00

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 00/00/00

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 00/00/00

Cough/Cold (Expectorant) Products
Final Action 00/00/00

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)

Final Action 00/00/00

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 00/00/00

Diaper Rash Products
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 00/00/00

Emetic Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 10/00/85

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 05852)
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00

Fever Blister/Cold Sore Products (External)
ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 00/00/00

Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 12/00/85

Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00

Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bites and Stings (Relief) Products
ANPRM 09/07/82 (47 FR 39412)

Insect Repellant Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 10/00/85

Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 00/00/00

Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 10/00/85

Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/00/85

Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 00/00/00

Mercurial (Topical) Products
ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00

Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 00/00/00

Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 00/00/00

Oral Cavity (Health Care) Products
ANPRM 05/25/82 (47 FR 22760)
NPRM 00/00/00

Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 00/00/00

Oral Mucosal Injury Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Final Action 00/00/00

Otic Products
ANPRM 12/16/77 (42 FR 63556)
NPRM 07/09/82 (47 FR 30012)
Final Action 00/00/00

Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 00/00/00

Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 00/00/00

Poison Ivy/Oak/Sumac Prevention
ANPRM 09/07/82 (47 FR 39412)

Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00

Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 00/00/00

Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
Final Action 00/00/00

Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00

Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 00/00/00

Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 00/00/00

Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00

Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
Final Action 00/00/00

Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 10/00/85

Small Entity: No

Additional Information: ABSTRACT CONT: "Antimicrobial Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products."

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: **William E. Gilbertson**, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-210), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4960**

RIN: 0905-AA06

602. RISK ASSESSMENT POLICY FOR REGULATING CARCINOGENIC IMPURITIES IN FOOD AND COLOR ADDITIVES

Significance: Regulatory Program

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR Chapter 1

Abstract: This proposed rule would establish a new policy for assessing the safety of food and color additives containing minute levels of carcinogenic impurities. The proposal would clarify the definition of an "additive" to apply the Delaney Clause only when the additive as a whole has been shown to cause cancer, and would use risk assessment procedures as one of the tools for determining the safety of an additive under the general safety clause of section 409 of the Federal Food, Drug, and Cosmetic Act.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/82	47 FR 14464
ANPRM Comment Period Begin	04/02/82	47 FR 14464
ANPRM Comment Period End	07/01/82	
NPRM	12/00/85	
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: Terry C. Troxell, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-300) 200 C Street, SW, Washington, DC 20204, 202 472-5740

RIN: 0905–AA12

603. REVISED PROCEDURES REGARDING MEDICATED FEED APPLICATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 207; 21 CFR 210; 21 CFR 225; 21 CFR 226; 21 CFR 501; 21 CFR 514; 21 CFR 558

Abstract: This proposed rule would revise the existing rules to provide revised criteria for the need of an approved medicated feed application for the manufacture of medicated feeds.

Timetable:

Action	Date	FR Cite
NPRM	01/09/81	46 FR 2456
NPRM Comment Period Begin	01/09/81	46 FR 2456
NPRM Comment Period End	04/09/81	
Tentative Final Rule	07/29/83	48 FR 34574
Tentative Final Rule Comment Period begins	07/29/83	48 FR 34574
Tentative Final Rule Comment Period ends	10/27/83	
Final Action	10/00/85	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Although there would be costs involved for several sectors of the medicated feed industry, the impacts on small businesses would be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

Agency Contact: George Graber, Director, Division of Animal Feeds, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-220), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4438

RIN: 0905–AA15

604. PREMARKET APPROVAL APPLICATION (PMA) PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 360c to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 373 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 21 USC 375 Federal Food, Drug, and Cosmetic Act; 21 USC 379 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 814

Abstract: This proposed rule would establish requirements for submission to FDA of applications for premarket approval including safety and effectiveness data for all class III (premarket approval) medical devices. The rule would establish procedures for manufacturers to demonstrate the safety and effectiveness of these medical devices.

Timetable:

Action	Date	FR Cite
NPRM	12/12/80	45 FR 81769
NPRM Comment Period Begin	12/12/80	45 FR 81769
NPRM Comment Period End	02/10/81	
Notice of 60-day Ext. of Com. Per.	02/17/81	46 FR 12502
Final Action	10/00/85	

Small Entity: Not Applicable

Agency Contact: James J. McCue, Jr., Director, Operations Staff, Department of Health and Human Services, Food and Drug Administration, Center for Devices & Rad Health (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4874

RIN: 0905–AA19

605. CURRENT GOOD MANUFACTURING PRACTICE FOR HUMAN FOOD

Significance: Regulatory Program

Legal Authority: 21 USC 332 Federal Food, Drug, and Cosmetic Act; 21 USC 333 Federal Food, Drug, and Cosmetic Act; 21 USC 334 Federal Food, Drug, and Cosmetic Act; 21 USC 342(a) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 110

Abstract: This tentative final rule represents the next action on FDA's proposed revisions to the Current Good Manufacturing Practice regulations published June 8, 1979, and FDA's review of the existing regulations under Executive Order 12291 and the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	06/08/79	47 FR 33238
NPRM Comment Period Begin	06/08/79	47 FR 33238
NPRM Comment Period End	12/31/79	
Interim Final Rule	10/00/85	
Tentative Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: Old title during review: "Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding Human Food (Umbrella Rule)"

Agency Contact: F. Leo Kauffman, Supv., Formulation Sec. Plant & Prot Tech Br, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-214) 200 C Street, SW, Washington, D.C. 20204, 202 485-0107

RIN: 0905–AA72

606. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities,

personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Publication of proposed rule: Blood & Blood Components; Retrospective Review	10/00/85	
Publication of proposed rule: Blood & Blood Derivatives; Implementation of Efficacy Review	10/00/85	

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-368), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3650**

RIN: 0905-AA75

607. GOOD LABORATORY PRACTICE FOR NONCLINICAL LABORATORY STUDIES

Significance: Regulatory Program

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263 Public Health Service Act; ...

CFR Citation: 21 CFR 58

Abstract: This action will revise the agency's regulations covering Good Laboratory Practice for Nonclinical Laboratory Studies based upon the agency's review of these existing rules under Executive Order 12291 and the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	10/29/84	49 FR 43530
NPRM Comment Period Begin	10/29/84	49 FR 43530
NPRM Comment Period End	12/28/84	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Paul D. Lepore, Bioresearch Coordinator, Department of Health and Human Services, Food and Drug Administration, Div. of Compliance Policy (HFC-211), 5600 Fishers Lane, Rockville, MD 20857, **301 443-2390**

RIN: 0905-AA84

608. EXEMPT INFANT FORMULA

Significance: Agency Priority

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 321(aa) Federal Food, Drug, and Cosmetic Act; 21 USC 343(a) Federal Food, Drug, and Cosmetic Act; 21 USC 350a Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 107.3; 21 CFR 107.50

Abstract: The Infant Formula Act of 1980 exempts from some of its requirements specialty infant formulas that are intended for use by infants with special dietary needs. This final rule will implement the exemption provisions of the Infant Formula Act of 1980 by establishing the terms and conditions under which those infant formulas would continue to be exempt.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31875
NPRM Comment Period Begin	07/12/83	48 FR 31875
NPRM Comment Period End	09/12/83	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Nicholas Duy, Chemist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204) 200 C Street, SW, Washington, D.C. 20204, **202 245-3117**

RIN: 0905-AA85

609. IRRADIATION IN THE PRODUCTION, PROCESSING, AND HANDLING OF FOOD

Significance: Regulatory Program

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 373 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 179.25; 21 CFR 179.26

Abstract: This final rule would permit the sterilization of food with ionizing radiation. This final rule has resulted from increased interest in irradiation in food processing by industry and Congress, as well as the completion of a report by FDA's Irradiated Food Committee.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/81	46 FR 18992
ANPRM Comment Period Begin	03/27/81	46 FR 18992
ANPRM Comment Period End	06/25/81	
Ext. of Comment Period to 07/27/81	07/07/81	46 FR 35120
NPRM	02/14/84	
NPRM Comment Period Begin	02/14/84	49 FR 05714
NPRM Comment Period End	04/16/84	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Clyde A. Takeguchi, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-330) 200 C Street, SW, Washington, D.C. 20204, 202 472-5740

RIN: 0905-AA88

610. AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES FOR USE BY LICENSED VETERINARIANS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1

Abstract: This proposed rule would permit veterinarians to obtain bulk new animal drug substances for compounding products for use in their own practice. A number of veterinarians have requested that the regulations be revised in order that bulk new animal drug substances may be legally obtained by them for use in their practices.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27016
Final Action	11/00/86	

Small Entity: No

Agency Contact: Frank Pugliese, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-100), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4500

RIN: 0905-AB01

611. OBLIGATIONS OF CLINICAL INVESTIGATORS

Significance: Regulatory Program

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug, and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 361 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 16.1; 21 CFR 56.1; 21 CFR 56.2; 21 CFR 56.3; 21 CFR 56.8; 21 CFR 56.15; 21 CFR 56.21; 21 CFR 56.25; 21 CFR 56.26; 21 CFR 56.34; 21 CFR 56.80; 21 CFR 56.82; 21 CFR 56.85; 21 CFR 56.87; 21 CFR 56.90; ...

Abstract: This final rule will clarify existing regulations governing the conduct of persons who conduct clinical investigations on new drug products and extends the regulations to include persons who conduct clinical investigations on medical devices, food or color additives, and electronic products. This final rule will provide greater protection of the rights and safety of subjects in clinical investigations and help ensure the quality and integrity of the research data used to support the marketing of FDA-regulated products.

Timetable:

Action	Date	FR Cite
NPRM	08/08/78	43 FR 35186
NPRM Comment Period Begin	08/08/78	43 FR 35186
NPRM Comment Period End	12/06/78	
Final Action	03/00/86	

Small Entity: Not Applicable

Agency Contact: Marilyn Watson, Spec. Assistant to the Division Director, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, 301 443-3640

RIN: 0905-AB02

612. ANIMAL DRUG SAFETY POLICY

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 500.80; 21 CFR 500.82; 21 CFR 500.84; 21 CFR 500.86; 21 CFR 500.88; 21 CFR 514.1; 21 CFR 514.11; 21 CFR 514.115

Abstract: This reproposal would establish an operational definition of the no-residue requirements of the anti-cancer clauses of the Federal Food, Drug, and Cosmetic Act regarding food additives, color additives, and drugs intended for use in food-producing animals.

Timetable:

Action	Date	FR Cite
NPRM	03/20/79	44 FR 17070
NPRM Comment Period Begin	03/20/79	44 FR 17070
NPRM Comment Period End	07/18/79	
Amended NPRM	02/11/83	48 FR 06361
NPRM	10/00/85	

Small Entity: Yes

Agency Contact: Joseph Settepani, Dep Associate Dir for Human Food Safety, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-301), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4500

RIN: 0905-AB04

613. REPORTING REQUIREMENTS FOR MARKETED ANIMAL DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 360C Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 510.300; 21 CFR 510.301; 21 CFR 514.8

Abstract: This proposed rule would amend the reporting requirements for marketed animal drugs to clarify the information on dosage and species, and to specify reporting requirements for manufacturers. To permit a more accurate assessment of adverse effects related to dosage and species, and to clarify the responsibility of premix manufacturers in reporting adverse effects from use of medicated feeds.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Andrew Beaulieu, Director, Division of Surveillance, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-210), 5600 Fishers Lane, Rockville, MD 20857, 301 443-3044

RIN: 0905-AB06

614. IND REGULATIONS REVISION

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and

Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 312

Abstract: This proposed rule would revise extensively the IND rules to improve the efficiency of FDA's operations and to update and clarify its internal policies in reviewing and expediting applications for new drugs. These revisions are believed necessary to improve the efficiency of the drug review process. The result would be greater assurance that safe and effective new drugs are approved as promptly as possible. The undertaking reflects FDA's commitment to refine and improve the entire IND/NDA process. The IND/NDA rules were scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291. This item was previously listed in the agenda as New Drug Approval Process: Revision of IND/NDA Rules (RIN 0905-AA00).

Timetable:

Action	Date	FR Cite
NPRM	06/09/83	48 FR 26760
NPRM Comment Period Begin	06/09/83	48 FR 26760
NPRM Comment Period End	08/08/83	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Steven H. Unger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905-AB09

615. CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS; UNIFORM BLOOD LABELING

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 601; 21 CFR 640

Abstract: This proposed rule would revise, simplify, and update the labeling requirements for any blood and blood component product that is collected or manufactured in a blood bank.

Timetable:

Action	Date	FR Cite
NPRM	10/31/80	45 FR 72416
NPRM Comment Period Begin	10/31/80	45 FR 72416
NPRM Comment Period End	12/30/80	
Final Action	10/00/85	

Small Entity: Not Applicable

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-368), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3650**

RIN: 0905-AB30

616. NUTRIENT REQUIREMENTS FOR INFANT FORMULA

Legal Authority: 21 USC 321(aa) Federal Food, Drug, and Cosmetic Act; 21 USC 350(a) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 107

Abstract: This final rule will codify and modify, as appropriate, the nutrient profile set forth in the Infant Formula Act of 1980 in the interest of assuring the nutritional adequacy of infant formulas.

Timetable:

Action	Date	FR Cite
NPRM	04/11/84	49 FR 14396
NPRM Comment Period Begin	04/11/84	49 FR 14396
NPRM Comment Period End	06/11/84	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Nicholas Duy, Chemist, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-204), 200 C St., S.W., Washington, DC 20204, **202 245-3117**

RIN: 0905-AB37

617. SULFITING AGENTS; LABELING IN DRUGS FOR HUMAN USE

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 201

Abstract: The agency is assessing various options to determine the most responsible and feasible course to protect sulfite-allergic people, while ensuring that drug products remain stable, effective, and safe. The agency will monitor the drug industry's program of voluntary ingredient disclosure on labeling to determine if susceptible individuals have adequate information to avoid sulfites. For prescription drugs containing sulfites, the agency is considering requiring, through rulemaking, a warning statement to health professionals, about sulfites.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Eileen Hodkinson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905-AB38

618. LABELING OF DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE (EXCLUSIVITY POLICY)

Significance: Regulatory Program

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 330

Abstract: The agency's exclusivity policy of limiting over-the-counter (OTC) drug monograph labeling terminology to specific words and phrases has been the subject of comment throughout the OTC drug review process. This proposed rule would modify that exclusivity policy as it relates to indications for use and would prescribe the placement of monograph terminology in the labeling of OTC drug products. The modified exclusivity policy would permit manufacturers to use other truthful and

nonmisleading statements relating to indications for use.

Timetable:

Action	Date	FR Cite
NPRM	04/22/85	50 FR 15810
NPRM Comment Period Begin	04/22/85	50 FR 15810
NPRM Comment Period End	07/22/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: William E. Gilbertson, Dir., Div. of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-210), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4960**

RIN: 0905-AB40

619. FOOD LABELING AND USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 201(s) Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100

Abstract: Comments received in response to a 1982 proposal affirming that the food uses of certain sulfiting agents were generally recognized as safe (GRAS), the findings and conclusions of the Federation of American Societies for Experimental Biology, and adverse reactions reports (including some reports of deaths), have lead to a reexamination of the GRAS status of sulfiting agents. Sulfiting agents (sulfur dioxide, sodium sulfite, sodium and potassium bisulfites, and sodium and potassium metabisulfites) are chemical preservatives that are extensively used in foods. The agency published a proposed rule to clarify the circumstances under which the presence of sulfiting agents must be declared on the label of packaged foods. The agency is also considering what its options are with regard to the GRAS status of (1) sulfiting agents on fruits and vegetables served or sold raw, (2) sulfiting agents used on potatoes, and (3) other food uses of sulfiting agents.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13306
NPRM Comment Period Begin	04/03/85	50 FR 13306
NPRM Comment Period End	06/03/85	
NPRM Revoking Use of Sulfiting Agents on Fruits & Vegatables ETC	08/14/85	50 FR 32830
NPRM GRAS Status of the Use of Sulfiting Agents on Potatoes ETC	12/00/85	
Final Action	04/00/86	
Final Action Revoking Use of Sulfiting Agents on Fruits & ETC	04/00/86	
NPRM GRAS Status of Certain Other Food Uses of Sulfiting Agents ETC	08/00/86	
Final Action GRAS Status of the Use of Sulfiting Agents on Potatoes ETC	08/00/86	
Final Action GRAS Status of Certain Other Food Uses of Sulfiting Agents ETC	08/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: NAME: Alan Rulis (GRAS), Asst. to the Director, Div. of Food & Color Additives, Cent. for Food Safety & Applied Nutrition (HFF-330), 200 C Street, SW, Washington, DC 20204, (202) 472-5676.

Agency Contact: Howard Pippin (Labeling), Chief, Guidelines & Compliance Research Br., Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C St., SW, Washington, DC 20204, **202 485-0175**

RIN: 0905-AB52

620. ADVERSE DRUG EXPERIENCE REPORTING REQUIREMENTS FOR MARKETED PRESCRIPTION DRUGS WITHOUT APPROVED NEW DRUG OR ABBREVIATED NEW DRUG APPLICATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Abstract: This proposed rule would require manufacturers, packers, and distributors of marketed prescription drug products that are not the subject of approved new drug or abbreviated new drug applications to report to the agency whenever the manufacturer, packer, or distributor receives information about any serious and unexpected adverse event associated with the use of one of its marketed drug products. The agency is taking this action based on recent events whereby serious adverse reactions, which were associated with an intravenous drug product (that was not the subject of an approved new drug or abbreviated new drug application and that is no longer being marketed), were not reported to the agency by the manufacturer, packer, or distributor. Under the agency's current regulations, neither the manufacturer, packer, nor distributor of such a product is expressly obligated to report serious safety problems to the agency. A separate proposed rule for biological products would require reports of adverse experiences associated with the use of licensed biological products.

Timetable:

Action	Date	FR Cite
NPRM	03/21/85	50 FR 11478
NPRM Comment Period Begin	03/21/85	50 FR 11478
NPRM Comment Period End	05/20/85	
NPRM Licensed Biological Products	03/00/86	
Final Action	03/00/86	
Final Action Licensed Biological Products	02/00/87	

Small Entity: No

Agency Contact: Robert D. Bradley, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905-AB53

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621. ● PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG ACT AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act

CFR Citation: Not yet determined

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. While several provisions of the Orphan Drug Act call for promulgation of regulations, the agency is considering the extent to which regulations will be needed to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	02/00/86	

Small Entity: Undetermined

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HF-35), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4718**

RIN: 0905-AB55

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622. ● PROPOSED USER CHARGE; NEW DRUG APPLICATIONS, ABBREVIATED NEW DRUG APPLICATIONS, AND ANTIBIOTIC APPLICATIONS REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 31 USC 9701 Independent Offices Appropriation Act

CFR Citation: 21 CFR 314

Abstract: The proposed rule would initiate a program that would require drug manufacturers (as beneficiaries of special services that the agency provides) to bear the costs that the agency incurs in reviewing and approving new drug and antibiotic applications, abbreviated new drug applications, and certain supplemental applications. The agency would set fees for different types of applications. The benefit accruing to an applicant under the agency's new drug and antibiotic application review and approval activity is that the applicant may lawfully market its new drug or antibiotic upon gaining agency approval. Review by the agency also benefits applicants by helping ensure that they will market only safe and effective drug products. This, in turn, enhances public confidence in applicant's drug products.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31726
NPRM Comment Period Begin	08/06/85	
NPRM Comment Period End	09/05/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Marilyn Watson, Spec. Asst. to the Division Director, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3640**

RIN: 0905-AB56

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623. ● PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Regulatory Program

Legal Authority: 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376(b), (c), & (d) Federal Food, Drug, and Cosmetic Act; 21 USC 376 note Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Abstract: The final rule will amend the color additives regulations to provide new closing dates for the use of nine provisionally listed color additives (FD&C Red No. 3 and its likes, FD&C Yellow No. 6, D&C Red No. 8, D&C Red No. 9, D&C Red No. 19, D&C Red No. 33, D&C Red No. 36, D&C Red No. 37, and D&C Orange No. 17) beyond September 3, 1985. A second final rule will permanently list the provisionally listed uses of FD&C Yellow No. 5. The purpose for postponing the closing dates is to permit the uninterrupted use of these color additives while FDA receives and evaluates additional scientific data that is required by the final rule.

Timetable:

Action	Date	FR Cite
NPRM	06/26/85	50 FR 26377
NPRM Comment Period Begin	06/26/85	50 FR 26377
NPRM Comment Period End	07/26/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Donna A. Dennis, Supervisor, Div. of Food & Color Additives, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-334), 200 C Street, SW, Washington, DC 20204, **202 426-9463**

RIN: 0905-AB60

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624. ● CLINICAL TESTING FOR NEW DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 355 Federal Food, Drug, and Cosmetic Act

CFR Citation: Not yet determined

Abstract: The development of a new drug and obtaining an approved marketing application is a major undertaking and may cost the applicant millions of dollars. Accordingly, it is important that applicants understand what clinical testing must be conducted to obtain final approval of a new drug.

Despite substantial guidance already available to applicants about the clinical testing necessary to meet the statutory standard, important questions about clinical studies inevitably will arise during the drug development process. The agency is exploring various options of providing additional guidance that would be intended to reduce the time and financial costs associated with clinical studies of questionable import. Alternatives include allowing the private sector to continue to rely primarily on their own expertise; providing guidance on a case-by-case basis, for example, during conferences between the agency and drug sponsors before the final states of clinical testing; and developing additional broad guidance in the form of a general guideline.

Timetable:

Action	Date	FR Cite
Request for Public Comments on Options	10/00/85	
Decision on Which Option to Pursue	01/00/86	

Small Entity: Not Applicable

Agency Contact: Steven H. Unger, Regulatory Counsel, Department of Health and Human Services, Public Health Service, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, 301 443-5220

RIN: 0905–AB61

625. ● ANTIBODY TEST FOR HTLV-III; GENERAL BIOLOGICAL PRODUCTS STDS.; ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS; SEROLOGICAL TEST FOR HUMAN T-LYMPHOTROPIC VIRUS, TYPE III

Significance: Regulatory Program

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 610.45, (new); 21 CFR 640.2(f), (revision); 21 CFR 640.5, (new); 21 CFR 640.14, (revision); 21 CFR 640.23(a), (revision); 21 CFR 640.33(a), (revision); 21 CFR 640.53(a), (revision); 21 CFR 640.67, (revision); 21 CFR 640.70(a)(11), (new); 21 CFR 640.71(a)(4), (new); 21 CFR 640.72(a)(2), (revision)

Abstract: The Food and Drug Administration is proposing to require that each unit of blood and blood components be tested and found nonreactive by a licensed serologic test for antibody to human T-lymphotropic virus type III (HTLV-III). HTLV-III is believed to be the causative agent of acquired immunodeficiency syndrome (AIDS). If blood tests positive to the test for antibody to HTLV-III, the blood should not be used. Requiring the test on each unit of blood and blood components should decrease the risk of transmitting AIDS by transfusion or parenteral administration of blood and blood components.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-368), 5600 Fishers Lane, Rockville, MD 20857, 301 443-3650

RIN: 0905–AB62

626. ● IMPLEMENTATION OF TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984" (TITLE I)

Significance: Regulatory Program

Legal Authority: PL 98-417, (Title I)

CFR Citation: Not yet determined

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. This rulemaking is intended to establish clear and uniform procedures for the review and timely approval of ANDAs. This should assist the generic drug industry by ending considerable confusion about the procedures governing review of ANDAs. In turn, with the availability of lower-cost generic products, it is estimated that consumers may save millions of dollars. The statute calls for promulgation of implementing regulations, however, the agency also expects to develop guidelines and other policy statements to assist in developing approvable applications.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, 301 443-3640

RIN: 0905–AB63

627. ● EXTENSION OF PATENTS ON REGULATED PRODUCTS (TITLE II OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Regulatory Program

Legal Authority: PL 98-417, (Title II)

CFR Citation: Not yet determined

Abstract: Congress passed the "Drug Price Competition and Patent Term Restoration Act of 1984" to compensate research-intensive firms for the loss of patent term due to required testing and government review of premarketing applications for drugs, devices, and food additives. The new legislation imposes an administrative burden on the agency to help determine whether a patent is eligible for extension, to assess the length of premarket testing and review, to determine whether applicants acted with due diligence and to conduct informal hearings. While the statute requires regulations for implementation of the "due diligence" provisions, the agency is considering other alternatives, such as informal guidance or formal guidelines, for implementing other statutory requirements.

Timetable:

Action	Date	FR Cite
Request for Public Comments on Implementing Title II	06/28/85	50 FR 26791
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: Frank Sasinowski, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905-AB65

628. ● FOOD LABELING INFORMATION REGARDING GOOD NUTRITION AND HEALTH

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: Not yet determined

Abstract: The notice will announce the agency's tentative approach for permitting truthful and nonmisleading health claims on food labels provided the claims can be substantiated by scientific evidence. The notice will also announce that a standing committee of scientists will be established to review current scientific evidence and determine what claims will be appropriate in order to provide suggested labeling language that may be used by industry. The notice will allow for public comment on the issue.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	

Small Entity: No

Agency Contact: F. Edward Scarbrough, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-204), 200 C Street, SW, Washington, DC 20204, **202 245-3117**

RIN: 0905-AB67

629. ● FOOD LABELING; LABEL CLAIMS FOR FOODS ON THE BASIS OF CHOLESTEROL CONTENT

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Abstract: The proposed rule would provide a mechanism that will allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of coronary heart disease, the leading cause of death and disability in the United States today.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: F. Edward Scarbrough, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-204), 200 C Street, SW, Washington, DC 20204, **202 245-3117**

RIN: 0905-AB68

630. ● ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.2; 21 CFR 514.3; 21 CFR 514.11

Abstract: This proposed rule would permit applicants to file abbreviated new animal drug applications (ANADAs) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NADAs to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Richard Lehmann, Dir., Div. of Biometrics & Production Drugs, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-120), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3134**

RIN: 0905-AB72

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)

Existing Regulations Under Review
Food and Drug Administration (FDA)

631. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	10/00/85	
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, 301 443-5220

RIN: 0905-AA73

632. NEW ANIMAL DRUG APPROVAL PROCESS; REVIEW OF NADA RULES

Significance: Regulatory Program

Legal Authority: 21 USC 360(b) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Abstract: These rules are being reviewed for the purpose of improving, to the extent possible, FDA's practices, procedures and policies with respect to the Agency's review of original and supplemental new animal drug applications (NADA's). The review is intended to improve the efficiency of the NADA review process and to identify any unnecessary burdens imposed by the rules.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/82	
End Review	12/00/85	

Small Entity: Undetermined

Agency Contact: Richard A. Carnevale, DVM, Acting Dep Associate Dir for Sci Eval, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-101), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4313

RIN: 0905-AA96

633. ● MEDICAL DEVICE AMENDMENTS: IMPLEMENTATION IMPROVEMENT

Significance: Regulatory Program

Legal Authority: PL 94-295 Medical Device Amendments of 1976

CFR Citation: Not yet determined

Abstract: Various groups have criticized the provisions of the amendments and/or the Agency's implementation of them. Agency task forces were established to analyze and to explore/develop alternatives or solutions respecting premarket notification, premarket approval, clinical investigations, reclassification, current good manufacturing practice, education, definitions, small business impact, and the repair, replacement, or refund provisions of the amendments and the Agency's regulations thereunder. The task forces have preliminarily identified aspects of the criticisms that are amenable to solution by the Federal government, e.g., revision of existing Agency regulations and initiation of legislative changes. Other solutions may be amenable to cooperative efforts between the Federal government and society as a whole--e.g., education of device users; specific alternatives have not yet been identified. Regulatory priorities/options will be established during the development of any rulemaking activity that the Agency may initiate in response to the task forces' findings and recommendations.

Timetable:

Action	Date	FR Cite
Final Task Force Reports	06/00/85	
Implementation of Task Force Recommendations	06/00/86	

Small Entity: Undetermined

Agency Contact: Philip B. White, Dir., Office of Standards & Regulations, Department of Health and Human Services, Food and Drug Administration, Cent. for Devices & Rad. Health (HFZ-80), 5600 Fishers Lane, Rockville, MD 20857, 301 443-3403

RIN: 0905-AB54

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)

Completed Actions
Food and Drug Administration (FDA)

COMPLETED RULEMAKINGS

634. NATIONAL ENVIRONMENTAL POLICY ACT; POLICY AND PROCEDURES

CFR Citation: 21 CFR 25

Completed:

Reason	Date	FR Cite
Final Action	04/26/85	50 FR 16636
Final Action Effective	07/25/85	50 FR 30267

Small Entity: Not Applicable

Agency Contact: John C. Matheson 301 443-1880

RIN: 0905-AA16

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)

Current and Projected Rulemakings
Health Resources and Services Administration (HRSA)

635. ● LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES REVIEW PROGRAM UNDER SECTION 1122 OF THE SOCIAL SECURITY ACT

Significance: Regulatory Program

Legal Authority: PL 93-641; PL 97-35; PL 95-559; PL 98-21; 42 USC 1302a-1

CFR Citation: 42 CFR 100; 42 CFR 405; 42 CFR 405.435(a); 42 CFR 405.435(b); 42 CFR 405.1890; 42 CFR 447.35(b)

Abstract: This NPRM sets forth provisions under which the Secretary may deny Federal payment under Title XVIII (Medicare) and Title XIX (Medicaid), for expenses related to capital expenditures (1) which the Designated Planning Agency (DPA) has found to be inconsistent with established standards, criteria or plans developed under the Public Health Service (PHS) Act; or (2) for which the DPA was not provided notice as required.

This is a new NPRM which replaces a previous NPRM published August 10, 1983 and is being issued to: (1) incorporate statutory changes made since promulgation of the original regulations; (2) incorporate existing

policy into regulations; and (3) ensure the efficient and effective implementation of Section 1122 of the Social Security Act without incorporating provisions of Title XV of the PHS Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	02/00/86	

Small Entity: Not Applicable

Agency Contact: John F. Belin, Director, Div. of Agency Operations & Mgmt., Department of Health and Human Services, Health Resources and Services Administration, Office of Health Planning, 5600 Fishers Lane, Rm. 9A-19, Rockville, MD 20857, **301 443-6680**

RIN: 0905–AA39

636. GRANTS FOR NURSE PRACTITIONER TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart AA

Abstract: This final regulation governs a grant program to provide traineeships for nurse practitioner training to registered nurses. The rule deletes the requirement that trainees must be residents of health manpower shortage areas and provides instead that applicants from such areas be given special considerations; the rule modifies practice commitment requirements and includes conditions for waiver or suspension of repayments. No funding for future traineeships is anticipated. The rule is needed to administer existing traineeships and to monitor compliance and repayment/waivers.

Timetable:

Action	Date	FR Cite
(Past) Interim Final Rule	05/06/80	45 FR 29803
Interim Final Rule	08/01/84	49 FR 30702
Final Action	12/00/85	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 5C-26, Rockville, MD 20857, **301 443-5786**

RIN: 0905–AA47

637. TRAINING GRANTS FOR PREVENTIVE MEDICINE RESIDENCY PROGRAM

Legal Authority: 42 USC 295h-1c

CFR Citation: 42 CFR 57, Subpart EE

Abstract: These regulations would implement provisions of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which give the Secretary new authority for a grants program which will assist schools of medicine, osteopathy, and public health in the planning and development of new residency programs and the maintenance and improvement of existing residency training programs in preventive medicine. Funds from this program can be used to provide financial assistance to trainees in the residency programs. Notice of Proposed Rulemaking (NPRM) during third quarter of FY 1983, if included in FY 1983 appropriations.

Timetable:

Action	Date	FR Cite
NPRM	12/09/83	48 FR 55272
NPRM Comment Period Begin	12/09/83	48 FR 55272
NPRM Comment Period End	02/07/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Daniel N. Masica, M.D., Director, Division of Medicine, BHPR, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AA50

638. NATIONAL HEALTH SERVICE CORPS (NHSC); PRIVATE PRACTICE OPTION (PPO) LOANS TO INDIVIDUALS

Legal Authority: 42 USC 254f Public Health Service Act

CFR Citation: 42 CFR 23

Abstract: The Secretary is authorized to make such arrangements as are deemed necessary for the individual exercising the private practice option for the use of equipment and supplies and for the lease or acquisition of other equipment and supplies. Upon the expiration of the private practice agreement, the Secretary may sell to the individual equipment and other property of the United States utilized by the individual in providing health services. Sales may be made at fair market value, except that the Secretary is permitted to make such sales for a lesser value if he determines that the individual is financially unable to pay the full market value.

Timetable:

Action	Date	FR Cite
NPRM	07/03/85	
NPRM Comment Period Begin	07/03/85	50 FR 27465
NPRM Comment Period End	08/13/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905–AA57

639. NURSING STUDENT LOAN PROGRAM (NSL); DEBT MANAGEMENT; DELINQUENCY RATES

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Abstract: This final rule would amend existing regulations governing the Nursing Student Loan (NSL) program set forth in Subpart D of 42 CFR Part 57. This rule: (1) reflects technical amendments made to sections 835-841 of the Public Health Service Act since the existing regulations were published in the FEDERAL REGISTER on May 9, 1974; (2) simplifies the existing regulations so that they are written in clear, concise language; and (3) would strengthen the regulations regarding recordkeeping and collection procedures and establish performance standards against which a nursing

school's delinquency rate would be measured.

Timetable:

Action	Date	FR Cite
NPRM	06/03/83	48 FR 25072
NPRM Comment Period Begin	06/04/83	
NPRM Comment Period End	07/18/83	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Branch, DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, MD 20857, **301 443-4540**

Note: Appears in the Regulatory Program of the U.S. under RIN 0905-AB80.

RIN: 0905-AA58

640. GRANTS FOR MATERNAL AND CHILD HEALTH SERVICES FEDERAL SET-ASIDE PROGRAM

Legal Authority: 42 USC 701 to 709

CFR Citation: 42 CFR 51a; 42 CFR 51d; 42 CFR 51f

Abstract: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) revised Title V of the Social Security Act to establish the Maternal and Child Health Service Block Grant. In the block grant there is a Federal Set-Aside Program which provides for the retention of 10 to 15 percent of the appropriation in each fiscal year for continuation of certain categorical programs (special projects of regional and national significance, maternal and child health research and training, genetic disease testing, counseling and information and hemophilia diagnostic and treatment centers). A Final Rule, published on June 25, 1982, made regulations for the previous programs applicable to the set-aside authority until regulations specifically designed for the set-aside could be developed.

Timetable:

Action	Date	FR Cite
NPRM	01/12/83	48 FR 1323
NPRM Comment Period Begin	01/12/83	
NPRM Comment Period End	02/11/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AA61

641. PROGRAM GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: 42 USC 216; 42 USC 254(b)

CFR Citation: 42 CFR 56

Abstract: A notice of proposed rulemaking (NPRM) was published in the Federal Register on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626, the Health Services Amendments of 1978. Because of administrative changes and new policy direction, a new NPRM will be developed to place greater emphasis on and to facilitate State participation in this program. The new NPRM would also simplify the regulation and incorporate the provisions of Pub. L. 95-626. These regulations will simplify application requirements for States, give certain priorities to awards to States, and will offer alternatives for States to meet requirements which have tended to be barriers to States.

Timetable:

Action	Date	FR Cite
Previous NPRM	12/19/80	45 FR 85366
NPRM	00/00/00	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: This regulation will increase opportunities for States to become grantees under this program. Not every State will choose to implement this approach and it is anticipated that many who do will implement it in co-application with existing grantees. Therefore, it is expected that this regulation will not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AA62

642. PROJECT GRANTS AND LOANS FOR HOME HEALTH SERVICES AND TRAINING

Legal Authority: 42 USC 255

CFR Citation: 42 CFR 51e

Abstract: Title III of the Public Health Service Act was amended by section 6 of the Orphan Drug Act of 1983 (P.L. 97-414). The effect of the amendment authorizes a new program of grants and loans to support home health services. Specifically, it authorizes grants to nonprofit agencies and loans to proprietary agencies to establish and operate home health programs. It also authorizes grants and contracts for training paraprofessionals to provide home health services, with special consideration given to trainees 50 years of age or older. The amendment requires five separate reports to Congress and requires the Secretary to develop and carry out demonstration projects regarding patients at risk of institutionalization and alternative reimbursement methodologies. The program is expected to impact in cost savings through better methods of identifying patients at risk and decreasing the length and frequency of hospital stays.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AB11

643. PRIMARY CARE BLOCK GRANT PROGRAM

Legal Authority: 42 USC 216; 42 USC 300Y to 300Y11

CFR Citation: 42 CFR 51; 45 CFR 74; 45 CFR 96

Abstract: Section 1932 of the Public Health Service Act was amended by section 8 of the Orphan Drug Act of 1983 (P.L. 97-414). The effect of the amendment requires the Secretary to promulgate separate regulations for the Primary Care Block Grant taking into consideration the distinctive features of the program such as: the program consists principally of community health centers; the States have the option of assuming responsibility for the program; the States have to make a substantial financial contribution; if a State opts for the block, it agrees to continue to provide a statutory range of services; new centers could only be established in medically underserved areas; and procedural safeguards protecting existing centers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, **301 443-2380**

RIN: 0905–AB12

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644. INDIAN HEALTH SERVICE, 42 CFR PART 36 SUBPART I, CONTRACTS UNDER THE INDIAN SELF-DETERMINATION ACT: AMENDMENTS

Legal Authority: 25 USC 450G

CFR Citation: 42 CFR 36, Subpart I

Abstract: This is a revision to implement a policy to charge interest and penalties on delinquent debts. This is in compliance with Department of the Treasury's guidelines pertaining to debt collection activities and the joint regulations issued on April 17, 1981, by the Attorney General and the Comptroller General and is consistent with the Debt Collection Act of 1982 (P.L. 97-365). This will require a change to the Department's Indian Health Service (IHS) P.L. 93-638 regulations to include a new contract/grant clause.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Richard J. McCloskey, Director, Office of Leg. & Reg. Services, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, PKLN Bldg. Rm. 6A-20, Rockville, MD 20857, **301 443-1116**

RIN: 0905–AB31

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645. GRANTS FOR NURSE ANESTHETISTS TRAINEESHIPS

Legal Authority: 42 USC 216; 42 USC 297-1

CFR Citation: 42 CFR 57, Subpart F (Proposed)

Abstract: These proposed rules would implement section 831 of the Public Health Service Act to make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Secretary of Education, of licensed registered nurses to be nurse anesthetists.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Mrs. Gretchen Osgood, Deputy Director, Division of Nursing, BHPr, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 5C-26, Rockville, MD 20857, **301 443-5786**

RIN: 0905–AB33

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646. ● REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY (HILL-BURTON)

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124, Subpart F

Abstract: The existing regulations at 42 CFR Part 124, Subpart F establish specific requirements that recipients of Federal assistance under Title VI or Title XVI of the PHS Act made assurances that they will make available in the facility constructed, modernized or converted with that assistance, a reasonable volume of services to persons unable to pay for services. The proposed regulation would provide increased flexibility to obligated facilities and reduce administrative burden while assuring access to intended beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Richard R. Ashbaugh, Associate Dir. for Health Facilities, Department of Health and Human Services, Health Resources and Services Administration, Parklawn Building, Room 1103, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6560**

RIN: 0905–AB35

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647. REVISED HEAL PROGRAM REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Abstract: This proposed rule would revise existing regulations governing the Health Education Assistance Loan (HEAL) program, authorized by the PHS Act. These proposed revisions would strengthen the regulations to improve the due diligence procedures at schools and lending institutions for making, servicing, and collecting HEAL loans and would clarify the rights and responsibilities of lenders, schools, borrowers, and the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Branch, DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, Maryland, 20857, **301 443-4540**

RIN: 0905–AB46

648. GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE OR GENERAL PEDIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-4; 42 USC 295g-4(a)

CFR Citation: 42 CFR 57, Subpart FF

Abstract: These regulations propose to amend the existing regulations for residency training in general internal medicine and general pediatrics and to implement section 784 (a)(3) and (4) to plan, develop, and operate a program and provide financial assistance to physicians who plan to teach in general internal medicine and general pediatrics.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Daniel N. Masica, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, DHHS, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, **301 443-6190**

RIN: 0905-AB50

649. ● REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY - HILL-BURTON (PUBLIC FACILITIES)

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124

Abstract: The existing regulations at 42 CFR Part 124 Subpart F establish specific requirements that recipients of Federal assistance under Title VI or Title XVI of the PHS Act made assurances that they will make available in the facility constructed, modernized or converted with that assistance, a reasonable volume of services to persons unable to pay for services. Many public hospitals provide significant amounts of free or low-cost health services to the poor, or are prohibited from charging for services. Currently, these facilities are required to implement administrative procedures that are either unnecessary or anomalous. The proposed changes will alleviate the administrative burden on these facilities.

Timetable:

Action	Date	FR Cite
NPRM	09/06/85	50 FR 36454
Final Action	00/00/00	

Small Entity: No

Agency Contact: Richard R. Ashbaugh, Assoc. Dir. for Health Facilities, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 11-03, Rockville, MD 20857, **301 443-6560**

RIN: 0905-AB75

650. ● NURSING STUDENT LOAN PROGRAM (NSL); DEBT MANAGEMENT: DELINQUENCY RATES

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Abstract: This final rule would amend existing regulations governing the Nursing Student Loan (NSL) program set forth in Subpart D of 42 CFR Part 57. This rule: (1) reflects technical amendments made to sections 835-841 of the Public Health Service Act since the existing regulations were published in the FEDERAL REGISTER on May 9, 1974; (2) simplifies the existing regulations so that they are written in clear, concise language; and (3) would strengthen the regulations regarding recordkeeping and collection procedures and establish performance standards against which a nursing school's delinquency rate would be measured.

Timetable:

Action	Date	FR Cite
NPRM	06/03/83	48 FR 25072
NPRM Comment Period Begin	06/04/83	
NPRM Comment Period End	07/18/83	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Branch, DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AB80

651. ● GRANTS FOR HOSPITAL CONSTRUCTION AND MODERNIZATION FEDERAL RIGHT OF RECOVERY AND WAIVER OF RECOVERY

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 300R; 42 USC 300S; 42 USC 300S-6; 42 USC 291i; 42 USC 300s 12

CFR Citation: 42 CFR 53, Subpart M

Abstract: Included in the Deficit Reduction Act of 1984 are amendments dealing with recovery of Hill-Burton grant funds. In order to conform with the provisions of the Act, this regulation adds a new Subpart H to 42 CFR Part 124 and deletes the current regulation at 42 CFR 53 Subpart M.

Timetable:

Action	Date	FR Cite
NPRM	03/18/85	50 FR 10798
NPRM Comment Period Begin	03/18/85	
NPRM Comment Period End	04/17/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Richard R. Ashbaugh, Assoc. Director for Health Facilities, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 11-03, Rockville, Maryland 20857, **301 443-6560**

RIN: 0905-AB81

652. ● HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM-IMPROVED PROGRAM MANAGEMENT REGULATIONS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Abstract: These regulations propose provisions to assure that schools have authority to follow procedures in administering the Federal funds entrusted to their use, that are consistent with those followed by the

HHS—PHS

Current and Projected Rulemakings

Health Resources and Services Administration (HRSA)

Federal Government in administering debts owed directly to it, based on the Debt Collection Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, MD 20857, 301 443-1530

RIN: 0905-AB93

653. ● NURSING STUDENT LOAN (NSL) PROGRAM - IMPROVED PROGRAM MANAGEMENT REGULATIONS

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Abstract: These regulations propose provisions to assure that schools have authority to follow procedures in administering the Federal funds entrusted to their use, that are consistent with those followed by the Federal Government in administering debts owed directly to it, based on the Debt Collection Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Science Administration, 5600 Fishers Lane, Room 8-48, Rockville, MD 20857, 301 443-4540

RIN: 0905-AB95

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Existing Regulations Under Review

Health Resources and Services Administration (HRSA)

654. ● INDIAN ELIGIBILITY

Significance: Regulatory Program

Legal Authority: 25 USC 13 (Synder Act); 42 USC 2001 to 2004 (Transfer Act)

CFR Citation: 42 CFR 36, Subparts A, B & C

Abstract: The Indian Health Service (IHS) and the Health Resources and Services Administration (HRSA) have been reviewing potential approaches for strengthening the management and allocation of IHS resources to most effectivelyserve program beneficiaries. The eligibility criteria for IHS program beneficiaries represent a primary focus of the review, particularly in view of recent trends among service recipients. For example, more people with a claim of Indian descent are using IHS services than ever before even though alternative medical care is available. This situation has arisen from greater awareness of possible eligibility, the availability of improved care, greater acceptance of the program by Indian people, and increased costs of medical care outside of IHS. The various special programs established by Congress to provide health services to the Indian people are a direct outgrowth of treaties and the resulting Federal trust relationship. Thus, any changes in these programs require Federal regulatory action. The NPRM will address such matters as tribal affiliation, residency requirements, and blood quantum.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Not Applicable

Agency Contact: Richard J. McCloskey, Chief, Department of Health and Human Services, Public Health Service, Legislation & Regulations Branch, 5600 Fishers Lane, Room 6A-20, Rockville, MD 20857, 301 443-1116

RIN: 0905-AB89

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Completed Actions

Health Resources and Services Administration (HRSA)

COMPLETED RULEMAKINGS

655. LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

Significance: Regulatory Program

CFR Citation: 42 CFR 100, Subpart A

Completed:

Reason	Date	FR Cite
See RIN 0905-AA39 in Current and Projected Section	08/27/85	

Small Entity: No

Agency Contact: Florence B. Fiori 301 443-6745

RIN: 0905-AA39

656. STANDARDS FOR THE ACCREDITATION OF EDUCATIONAL PROGRAMS FOR AND THE CREDENTIALING OF RADIOLOGIC PERSONNEL

CFR Citation: 42 CFR 75

Completed:

Reason	Date	FR Cite
Withdrawn Pending legislative Action	08/00/85	

Small Entity: No

Agency Contact: Dr. William S. Brooks 301 443-6757

RIN: 0905-AA49

657. PROGRAM GRANTS FOR BLACK LUNG CLINICS

CFR Citation: 42 CFR 55a

HHS—PHS

Completed Actions

Health Resources and Services Administration (HRSA)

Completed:

Reason	Date	FR Cite
Final Action	02/27/85	50 FR 7912

Small Entity: No

Agency Contact: James J. Corrigan 301 443-2380

RIN: 0905-AA64

Completed:

Reason	Date	FR Cite
Final Action	08/23/85	50 FR 34416

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AB14

Completed:

Reason	Date	FR Cite
Final Action	08/23/85	50 FR 34421

Small Entity: No

Agency Contact: Ms Peggy Washburn 301 443-4540

RIN: 0905-AB24

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]

BILLING CODE 4150-04-T

658. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM; DUE DILIGENCE

Significance: Regulatory Program

CFR Citation: 42 CFR 57, Subpart C

659. HEALTH PROFESSIONS STUDENT LOAN PROGRAM: PERFORMANCE STANDARD

Significance: Regulatory Program

CFR Citation: 42 CFR 57, Subpart C

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Current and Projected Rulemakings

National Institutes of Health (NIH)

660. NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 276; 42 USC 280b-4

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be deleted because NIH no longer has general traineeship authority and the sole remaining NLM program is unfunded. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	01/00/86	

Small Entity: No

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20209, 301 496-6491

RIN: 0905-AA66

661. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR 52A

Legal Authority: 42 USC 287d; 42 USC 289c-2; 42 USC 289c-6

CFR Citation: 42 CFR 52a

Abstract: The regulations would cover grants by the National Institutes of Health for support of research and demonstration centers. They would replace existing regulations covering only centers supported by the National Heart, Lung and Blood Institute. These regulations would be available for other center programs which may be created in the future or operated under the general research authorities of NIH.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49115
Final Action	12/00/85	

Small Entity: No

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, Bethesda, MD 20205, 301 496-4606

RIN: 0905-AA68

662. GRANTS FOR RESEARCH PROJECTS, FELLOWSHIPS NATIONAL RESEARCH SERVICE AWARDS HEALTH AND HUMAN SERVICE ACQUISITION REGULATION

Significance: Regulatory Program

Legal Authority: 42 USC 241; 42 USC 2891-1

CFR Citation: 42 CFR 52; 42 CFR 61; 42 CFR 66; 48 CFR 3, Appendix A

Abstract: Recipients of Public Health Service research and research training funds do not presently have sufficient guidance regarding their responsibility to investigate and report possible misconduct in PHS-funded research or research training. While many institutions have voluntarily established procedures for dealing with misconduct in science, they are not required to do so and in many recent instances the lack of defined procedures has delayed or compromised awardees' investigations. Institutional policies regarding reports to funding agencies vary considerably. The proposed regulation will define the point at which funding agencies are notified and will require awardees to develop procedures for dealing with misconduct in science. Legislation proposed in the 98th Congress would have required Departmental approval of institutional procedures but PHS prefers a less directive approach allowing awardees to develop appropriate procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period Begin	00/00/00	

Small Entity: No

Agency Contact: William F. Raub, Ph.D, Dep. Dir. for Extramural Rsch. & Training, Department of Health and Human Services, Public Health Service, National Inst. of Health, Bldg. 1, Rm: 107, 9000 Rockville Pike, Bethesda, Maryland 20205, **301 496-1096**

RIN: 0905-AB91

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]
BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Current and Projected Rulemakings

Health Care Financing Administration (HCFA)

663. MEDICAID OVERPAYMENT REPORTING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 31 USC 951 to 953; 42 USC 1302

CFR Citation: 42 CFR 447.401 to 447.431

Abstract: This regulation requires States to establish procedures to establish overpayments made to providers of services and report and refund them to HCFA on a timely basis. It is intended to reduce State and Federal Medicaid costs and improve program efficiency.

Timetable:

Action	Date	FR Cite
NPRM	04/05/83	48 FR 14664
Final Action	10/00/85	

Small Entity: No

Agency Contact: Dan Metzman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Overpayments, Room 1-B-2, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-8194**

RIN: 0938-AA04

664. HOME HEALTH AGENCIES: FINANCIAL SECURITY REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 1395f; 42 USC 1395g; 42 USC 1395l; 42 USC 1395x; 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx

CFR Citation: 42 CFR 405.402; 42 CFR 405.419; 42 CFR 405.429; 42 CFR 405.1201 to 405.1202; 42 CFR 405.1231

Abstract: These regulations would implement sections 930(n) and (p) of the Omnibus Reconciliation Act of 1980. The regulations would require home health agencies participating in Medicare to meet conditions, including bonding or establishment of escrow accounts to ensure the financial security of the Medicare program. It would exclude from Medicare reimbursement any costs incurred by an HHA in connection with bonding or establishing an escrow account and any interest payments made by an HHA that are charged on amounts borrowed to repay Medicare overpayments. The intent of these additional requirements is to assure the availability of funds to repay overpayments, and thereby ensure the financial security of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Yes

Agency Contact: Ward Pleines, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Rm. 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-0323**

RIN: 0938-AA13

665. CONDITIONS OF PARTICIPATION FOR HOSPITALS

Significance: Regulatory Program

Legal Authority: 42 USC 1395t; 42 USC 1396d; 42 USC 1395hh; 42 USC 1395x; PL 98-369, Sec 2335; PL 98-369, Sec 2340

CFR Citation: 42 CFR 1011 to 1042; 42 CFR 416.41; 42 CFR 440.1; 42 CFR 440.10; 42 CFR 440.40; 42 CFR 440.140-150; 42 CFR 440.250; 42 CFR 441.11; 42 CFR 441.13; 42 CFR 441.40; 42 CFR 456.51; 42 CFR 456.501; 42 CFR 489.21; 42 CFR 482

Abstract: This regulation simplifies requirements which hospitals must meet to be certified to participate in Medicare and Medicaid. It is intended to reduce Federal requirements, simplify and clarify regulations, and provide maximum flexibility in hospital administration while strengthening patient health and safety. This regulation is a review item of the Presidential Task Force on Regulatory Relief. It also conforms Medicare regulations to statutory changes made by PL 98-369 regarding certification of psychiatric and tuberculosis hospitals.

Timetable:

Action	Date	FR Cite
NPRM	01/04/83	48 FR 299
Final Action	10/00/85	

Small Entity: Yes

Agency Contact: Sheila Ryan, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Standards and Certification, 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-3775**

RIN: 0938-AA23

666. LIMITATION ON PAYMENT FOR SERVICES FURNISHED TO EMPLOYED AGED, THEIR SPOUSES, AND SPOUSES OF YOUNGER EMPLOYEES

Significance: Agency Priority

Legal Authority: PL 97-248, Sec 116(b); 42 USC 1395y(b); PL 98-369, Sec 2301; PL 98-369, Sec 2338

CFR Citation: 42 CFR 405.340; 42 CFR 405.341; 42 CFR 405.342; 42 CFR 405.343; 42 CFR 405.344

Abstract: The regulation requires employers to offer their employees age 65 through 69, and dependents and spouses age 65 through 69 of employees both over and under age 65 the same health benefits as offered to their

younger employees. The provision makes Medicare the secondary payor for such employees. This provision amends the Federal Age Discrimination in Employment Act (ADEA).

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/13/83	48 FR 15902
Final Action	10/00/85	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medicare Eligibility, BERC, Rm. 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938–AA31

667. AMENDING COST REPORTS AND REOPENING INTERMEDIARY PAYMENT DETERMINATIONS AND ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395x(v); 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453; 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803(b); 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837(b); 42 CFR 405.1841(a)(2); 42 CFR 405.1863; 42 CFR 405.1887; 42 CFR 405.1889

Abstract: This proposal would establish rules to govern and distinguish between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Jack Wasserman, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Procedural Policy Branch, Room 349 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-3703**

RIN: 0938–AA33

668. RECOGNITION OF STATE REIMBURSEMENT CONTROL SYSTEMS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395hh; PL 98-369, Sec 2315; 42 USC 1395y(a)(14); 42 USC 1395ww(c); 42 USC 1395cc(a)(1)(F)

CFR Citation: 42 CFR 403.300; 42 CFR 403.302; 42 CFR 403.304; 42 CFR 403.306; 42 CFR 403.308; 42 CFR 403.310; 42 CFR 403.312; 42 CFR 403.314; 42 CFR 403.316; 42 CFR 403.318; 42 CFR 403.320; 42 CFR 403.322; 42 CFR 403.321

Abstract: This final rule implements statutory requirements to set forth conditions and procedures under which HCFA will approve Medicare payments for hospital services to be made in accordance with a State hospital reimbursement control system rather than in accordance with general Medicare principles of reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 20048
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Charlene Brown, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div. of Alternative Reimb. Systems, 1-A-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-2888**

RIN: 0938–AA34

669. SURVEY AND CERTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 1395t; 42 USC 1395x; 42 USC 1395bb; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396a; 42 USC 1396(i)

CFR Citation: 42 CFR 405; 42 CFR 431; 42 CFR 481; 42 CFR 442; 42 CFR 489; 42 CFR 490; 42 CFR 455; 42 CFR 485; 42 CFR 488; 42 CFR 491

Abstract: This regulation would streamline, simplify and integrate survey and certification procedures for providers and suppliers under Medicare and Medicaid. It is intended to accomplish effective monitoring with greater flexibility to States without loss of quality of health services.

Timetable:

Action	Date	FR Cite
NPRM	05/27/82	47 FR 23404
Final Action	01/00/86	

Small Entity: Undetermined

Agency Contact: Walter Merten, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Survey Procedures and Training, 2-K-1 DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207, **301 594-3812**

RIN: 0938–AA38

670. PHYSICIAN CERTIFICATION AND PLAN OF TREATMENT REQUIREMENTS

Legal Authority: PL 96-499, Sec 930(e); 42 USC 1302; 42 USC 1395hh; PL 98-369, Sec 2336

CFR Citation: 42 CFR 405.1633; 42 CFR 409.42; 42 CFR 405.1717

Abstract: These rules confirm interim final rules published on October 26, 1982 (47 FR 47388) with changes that make it possible for certain additional physicians to certify need for home health services and to establish and review a plan of treatment for those services. The changes are responsive to public comments and also serve to implement section 2336 of Pub. L. 98-369. The rules also make clarifying changes with respect to timing and procedures for certification for home health services and outpatient physical therapy and speech pathology services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/26/82	47 FR 47388
Final Action	12/00/85	

Small Entity: No

Agency Contact: Raymond T. Johnson, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Utilization Effectiveness Branch, BERC, Rm. 455 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9370**

RIN: 0938–AA46

671. MEDICAID ELIGIBILITY

Legal Authority: PL 97-248, Sec 137(b); PL 98-369, Sec 2373; PL 97-35, Sec 2171; PL 97-35, Sec 2172

CFR Citation: 42 CFR 435; 42 CFR 436

Abstract: This regulation would implement changes with respect to Medicaid eligibility groups and coverage criteria made by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Deficit Reduction Act of 1984 (PL 98-369). Most of these changes affect the provisions of September 30, 1981 regulations concerning Medicaid eligibility for the medically needy, published as a result of the Omnibus Budget Reconciliation Act of 1981. The regulations would also respond to public comments received on the September 30 regulations. Because of changes required by TEFRA and in order to respond to comments, an NPRM will be published rather than a final regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, 301 594-9059

RIN: 0938-AA58

672. INTERMEDIATE SANCTION OF LONG-TERM CARE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395; 42 USC 1395x; 42 USC 1395aa; 42 USC 1395cc; 42 USC 1395hh

CFR Citation: 42 CFR 405.1501; 42 CFR 405.1502; 42 CFR 442.1 to 442.2; 42 CFR 442.117 to 442.119; 42 CFR 489.1 to 489.3; 42 CFR 489.50; 42 CFR 489.53; 42 CFR 489.60; 42 CFR 489.62; 42 CFR 489.64; 42 CFR 489.66

Abstract: This regulation authorizes the Secretary and State Medicaid agencies to impose an alternative to terminating long-term care facilities found to be out of compliance with the Medicare conditions of participation or the Medicaid conditions of participation or standards in facilities where deficiencies do not pose an immediate jeopardy to patient health and safety. HCFA and the State Medicaid agency may deny payment for new admissions to the facilities.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 07191
Final Action	11/00/85	

Small Entity: No

Agency Contact: Matthew Brown, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Services Br., Rm. 2-D-2 ME, 6300 Security Blvd., Baltimore, MD 21207, 301 594-7617

RIN: 0938-AA60

673. ◉ MMIS: (1) DEFINITION OF "IMPROVEMENT" AND "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM" AND (2) NOTICE OF THE MEDICAID ELIGIBILITY DETERMINATION AND INFORMATION ETC

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396b

CFR Citation: 42 CFR 433.111

Abstract: This rule would change the definitions of "improvement" and of "mechanized claims processing and information retrieval systems" to clarify under what circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System. It would also serve as a notice, announcing a new subsystem called the Medicaid Eligibility and Information Retrieval System for State Medicaid agencies to implement at their option.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: TITLE CONT: Retrieval System.

Agency Contact: William Grant, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Methods & Systems Requirements, 2-A-1 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, 301 594-7847

RIN: 0938-AA63

674. THIRD PARTY LIABILITY (TPL), PREMIUM FFP RATES, MANDATORY ASSIGNMENT OF RIGHTS TO PAYMENTS; SOURCES OF STATE FUND

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a)(25); 42 USC 1396b(d)(2); PL 98-369, Sec 2367; 42 USC 1396a(a)(2); 42 USC 1396a(a)(45); 42 USC 1396k; 42 USC 1396b

CFR Citation: 42 CFR 432.2; 42 CFR 432.50; 42 CFR 432.60; 42 CFR 433.15; 42 CFR 433.45; 42 CFR 433.136; 42 CFR 433.139; 42 CFR 433.149; 42 CFR 433.151 to 433.152; 42 CFR 433.145; 42 CFR 433.137; 42 CFR 435.604; 42 CFR 432.45; 42 CFR 433.135; 42 CFR 436.604; ...

Abstract: This regulation provides States with flexibility in establishing their programs so as to maximize operational efficiency and promote cost-avoidance procedures. It is intended to promote program management efficiency and reduce program costs by increasing TPL recoveries. This regulation also conforms the Medicaid regulations to statutory changes that require Medicaid applicants and recipients to assign to the State their rights to medical support and other third party payments and to cooperate in establishing paternity and securing support as a condition of eligibility.

Timetable:

Action	Date	FR Cite
NPRM	06/04/84	49 FR 23078
Final Action	10/00/85	

Small Entity: No

Agency Contact: David McNally, Director, Department of Health and Human Services, Health Care Financing Administration, Div. of State Agency Financial Management, Room 350, Meadows East, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1393

RIN: 0938-AA65

675. MENTAL RETARDATION--DEFINITION OF "PERSONS WITH RELATED CONDITIONS"

Legal Authority: 42 USC 1302; 42 USC 1396d

CFR Citation: 42 CFR 435.1009

Abstract: This regulation would amend Medicaid regulations on intermediate care facility services for the mentally retarded persons with related conditions by revising the current

definition of "persons with related conditions." This definition is presently tied to the definition of developmental disability in the Developmental Disabilities Assistance and Bill of Rights Act (DDABRA). This regulation establishes a Medicaid definition of conditions related to mental retardation that would meet the specific needs of the Medicaid program and would be independent of the definition of developmental disability in the DDABRA.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7593
Final Action	10/00/85	

Small Entity: Yes

Agency Contact: Robert Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 403, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9690**

RIN: 0938–AA78

676. PAYMENTS TO INSTITUTIONS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.722; 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832; 42 CFR 436.832

Abstract: This regulation alleviates problems encountered by States in calculating patient income to be applied to the cost of care in institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform).

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 10992
NPRM Comment Period Begin	03/19/85	
NPRM Comment Period End	05/20/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AB00

677. BENEFIT PERIOD DETERMINATIONS AND DRUG REGIMEN REVIEWS

Legal Authority: 42 USC 1302; 42 USC 1395d; 42 USC 1395x; 42 USC 1395hh; 42 USC 1396d

CFR Citation: 42 CFR 405.1127(a); 42 CFR 409.60; 42 CFR 442.336(a)

Abstract: This regulation would amend current regulations regarding Medicare spell of illness to create a distinction between "inpatient" and "resident" for purposes of determining whether a patient is an inpatient of an SNF. This regulation also would propose that either an RN or a pharmacist could perform drug regimen reviews in SNFs or ICFs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 405 East High Rise, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9446**

RIN: 0938–AB03

678. ● MISCELLANEOUS CONFORMING AMENDMENTS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 431; 42 CFR 433; 42 CFR 435; 42 CFR 441

Abstract: These rules amend existing Medicare and Medicaid regulations to conform them to statutory and policy changes that have occurred since those regulations were last published. The pertinent statutory changes are primarily those contained in the Omnibus Reconciliation Act of 1980 (P.L. 96-499) and in the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248), the Social Security Amendments of 1983 (P.L. 98-21), and the Continuing Appropriations for Fiscal Year 1982 (P.L. 97-101).

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Luisa Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, BERC Regulations Staff, Rm. 4230 North, 300 Independence Ave., SW, Washington, DC 20201, **202 245-0383**

RIN: 0938–AB05

679. SPENDDOWN

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Abstract: These regulations permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period Begin	09/02/83	
NPRM Comment Period End	11/01/83	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AB07

680. RELATIONS WITH OTHER AGENCIES - BUY-IN, AND MISCELLANEOUS MEDICAID DEFINITIONS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 435.1009; 42 CFR 440.2; 42 CFR 440.10; 42 CFR 440.20; 42 CFR 440.80; 42 CFR 440.160; 42 CFR 441.151; 42 CFR 447.40; 42 CFR 431.800; 42 CFR 440.30; 42 CFR 435.1007

Abstract: These regulations: (1) revise Medicaid policy on State payments of cost sharing amounts under Medicare Part B "buy-in" agreements; (2) revise and clarify certain Medicaid definitions; (3) remove the requirement that State

plans include third party liability quality control reviews as a part of the State's Medicaid quality control system; and (4) clarify the limitation on Federal financial participation (FFP) with regard to the medically-needy income level for one person.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	49 FR 10378
NPRM Comment Period Begin	03/11/83	
NPRM Comment Period End	05/11/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 409 EHR, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB21

681. CHANGES TO THE LESSER OF COSTS OR CHARGES PROVISIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1395f(b); 42 USC 1395l(a); PL 98-369, Sec 2308; PL 98-369, Sec 2321

CFR Citation: 42 CFR 405.455

Abstract: This regulation would eliminate application of the lesser of costs or charges aggregation method for determining payment for services furnished under Part A or Part B of Medicare effective with cost reporting periods beginning on or after October 1, 1984 (section 2308(a) of P.L. 98-369). We would eliminate the accumulation and carryover of unreimbursed costs to subsequent cost reporting periods effective with cost reporting periods beginning on or after October 1, 1985. We would revise the nominal charge provisions for providers that furnish services either free of charge or at a nominal charge in accordance with section 2308(b) of P.L. 98-369. We would also revise the payment provisions for durable medical equipment furnished by home health agencies effective on or after July 18, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	03/00/86	

Small Entity: Yes

Agency Contact: William Goeller, Division Director, ORP, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-1803**

RIN: 0938-AB29

682. PROCEDURES FOR DETERMINING WHETHER PROVIDERS, PRACTITIONERS, OR OTHER SUPPLIERS OF SERVICES ARE LIABLE FOR CERTAIN NONCOVERED SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395hh; 42 USC 1395pp; 42 USC 1302; 42 USC 1395g; 42 USC 1395l; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395cc; 42 USC 1395gg; 31 USC 3711; 42 USC 1395f

CFR Citation: 42 CFR 405.195; 42 CFR 405.196; 42 CFR 405.332; 42 CFR 405.334

Abstract: This final rule revises the way HCFA applies limitation of liability for certain noncovered furnished services. In order to reduce HCFA's payments for noncovered services, the decision to make or deny payment for noncovered inpatient hospital services will now be made after an analysis of the circumstances, without the use of a presumption as to whether the hospital did not know or could not be expected to know that furnished services were noncovered. In addition, this final rule implements section 145 of PL 97-248, which provides that a provider, practitioner, or supplier is deemed to have knowledge that payment cannot be made for noncovered furnished services if the entity had previously been notified by HCFA that a pattern of inappropriate utilization had occurred but has continued the practice after having a reasonable opportunity to correct the inappropriate utilization.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 05787
Final Action	10/00/85	

Small Entity: No

Agency Contact: Jack Wasserman, Chief, Medicare Procedural Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 349 East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-3703**

RIN: 0938-AB33

683. FORMS USED FOR CLAIMING PAYMENT

Legal Authority: 42 USC 1302; 42 USC 1395f; 42 USC 1395n; 42 USC 1395hh; 42 USC 1395tt

CFR Citation: 42 CFR 405.1662

Abstract: This rule revises the Medicare regulations to include provisions pertaining to various forms used in requesting enrollment in and payment for services under the Medicare program. This rule also provides an up-to-date listing and discussion of procedures for providers of services and other practitioners to obtain billing forms that meet Medicare requirements and those of other insurers.

Timetable:

Action	Date	FR Cite
NPRM	09/07/84	49 FR 35386
Final Action	10/00/85	

Small Entity: No

Agency Contact: Daniel Baker, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, BPO, Div. of Methods & Systems Requirements, Room 2-A-1 ME Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 594-1999**

RIN: 0938-AB34

684. ADJUSTMENT OF FEDERAL SHARE FOR UNCASHED OR FOR CANCELLED (VOIDED) MEDICAID CHECKS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 201.5; 45 CFR 201.67; 42 CFR 430.0

Abstract: This rule requires a State agency to refund to the Federal government the Federal share of Medicaid checks that remain uncashed 180 days after issuance and would require that the federal share of cancelled (voided) Medicaid checks be refunded quarterly because there has not been an expenditure of funds in either case.

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	50 FR 23147
NPRM Comment Period Begin	05/31/85	
NPRM Comment Period End	07/01/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: David McNally, Director, Div. of State Agency Financial Mgt, Department of Health and Human Services, Health Care Financing Administration, Room 350 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-1398**

RIN: 0938-AB35

685. REVISIONS TO MEDICAID PAYMENT FOR INPATIENT HOSPITAL AND LONG-TERM CARE FACILITY SERVICES

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30); 42 USC 1396a(a)(13); 42 USC 1396l; PL 98-369, Sec 2369(a)

CFR Citation: 42 CFR 447.253; 42 CFR 447.272; 42 CFR 447.321; 42 CFR 447.257; 42 CFR 447.280

Abstract: This regulation would make several changes to the procedural requirements for States to obtain approval of their inpatient reimbursement rates. It is intended that these changes would promote increased economy in the administration of the Medicaid program while retaining State flexibility to the maximum extent possible.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Tzvi Hefter, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Section, Room 1-A-1 ELR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-1808**

RIN: 0938-AB40

686. FFP FOR LTC FACILITIES AFTER TERMINATION OF PROVIDER AGREEMENT

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 442.16

Abstract: These rules would modify and clarify policy on Federal financial participation (FFP) in State Medicaid payments to a skilled nursing facility (SNF) or an intermediate care facility (ICF) after the facility's provider agreement has been terminated or has expired and not been renewed.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Affected Sectors: 919 General Government, Not Elsewhere Classified

Government Levels Affected: State

Agency Contact: Gilda Martin, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Financial Policy Branch, Rm. 350 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1399**

RIN: 0938-AB42

687. OFFICE OF MANAGEMENT AND BUDGET REQUEST FOR REVIEW OF REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 1395x(p); 42 USC 1395x(s)(3)(11) and (12); 42 USC 1395aa; 42 USC 1395hh

CFR Citation: 42 CFR 405.1413(c); 42 CFR 405.1716(c); 42 CFR 405.1716(d); 42 CFR 405.1717(b); 42 CFR 405.1717(e); 42 CFR 405.1725(a); 42 CFR 405.1702(d), (f) - (k); 42 CFR 405.1731(a),(c); 42 CFR 434.36; 42 CFR 434.55; 42 CFR 405.1733(a),(b); 42 CFR 434.27(a)

Abstract: This proposed rule sets forth recommendations made by the Office of Management and Budget for changes in several regulations containing collection of information requirements, and HCFA responses to those recommendations. The requirements affect the providers and suppliers of outpatient physical therapy and speech pathology services; physical therapists in independent practice; portable X-ray services; and Medicaid contracts with health maintenance organizations and prepaid health plans.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Agency Contact: Stefan Miller, Laboratory and Ambulatory Branch Chief, Department of Health and Human Services, Health Care Financing Administration, 300 East High Rise Bldg., 6325 Security Blvd., Baltimore, Maryland 21207, **301 597-6394**

RIN: 0938-AB46

688. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: PL 98-369, Sec 2303

CFR Citation: 42 CFR 405.516

Abstract: These regulations would implement provisions of Pub.L. 98-369 relating to payment and "assignment" for diagnostic laboratory tests.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AB50

689. HMOS AND CMPS; DEFICIT REDUCTION ACT PROVISIONS

Legal Authority: 42 USC 1903(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27

Abstract: These regulations would implement certain provisions of section 2364 of the Deficit Reduction Act of 1984 as those provisions affect HMOs and CMPs in the Medicaid Program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9690**

RIN: 0938-AB54

690. PHYSICIAN CERTIFICATION AND PLAN OF REQUIREMENTS AND INSPECTION OF CARE REVIEWS

Legal Authority: 42 USC 1302; PL 98-369, Sec 2363 and 2368

CFR Citation: 42 CFR 440; 42 CFR 441; 42 CFR 456

Abstract: These rules would implement Sections 2363 and 2368 of the Deficit Reduction Act of 1984. The rules would make the requirements for physician certification and development of a plan of care (formerly utilization control requirements) State plan requirements. States would no longer be required to make the quarterly showings of compliance for those requirements or for utilization review. A quarterly demonstration to the Secretary of a satisfactory utilization control program would be limited to inspections of care in participating mental hospitals, skilled nursing facilities and intermediate care facilities, including intermediate care facilities for the mentally retarded. The purpose is to focus the quarterly showing (and the risk of a utilization control penalty) on inspection of care, the procedure that is most likely to ensure quality of care, by providing incentives for improvement of inadequate facilities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Yes

Agency Contact: Thomas E. Hoyer, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Services & Coverage Pol., Rm. 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9446

RIN: 0938-AB55

691. HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS; ENROLLMENT PERIODS

Significance: Agency Priority

Legal Authority: 42 USC 1395mm

CFR Citation: 42 CFR 417

Abstract: These regulations would implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold coordinated open enrollment periods in geographic areas that encompass two or more organizations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Stanley Katz, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-8561

RIN: 0938-AB57

692. HOSPICE "CORE" SERVICES; NURSING

Legal Authority: PL 98-369, Sec 2343

CFR Citation: 42 CFR 418.80; 42 CFR 418.83

Abstract: This regulation would implement provisions of PL 98-369, the Medicare and Medicaid Budget Reconciliation Amendments of 1984, relating to hospices contracting for "core services." PL 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, authorized time limited Medicare Part A coverage for hospice services. The law specifies that a hospice must routinely provide the following "core services" directly: nursing care, medical social services, physician's services, and counseling services. This regulation would permit the Secretary to waive the nursing care "core services" requirement for hospices which are located in rural areas, which were in operation on or before January 1, 1983, and which have demonstrated a good faith effort to hire their own nurses.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Thomas Hoyer, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provide Services & Coverage Pol., Rm 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9446

RIN: 0938-AB58

693. INDIRECT PART B PAYMENT PROCEDURE

Legal Authority: 42 USC 1395u

CFR Citation: 42 CFR 405.1672; 42 CFR 405.1679; 42 CFR 405.1685; 42 CFR 405.1686

Abstract: This proposed regulation would implement provisions of Pub.L. 98-369 that allow payment for services furnished under Part B of Medicare to be made to a health benefits plan. Under previous law, such payment could be made only to a beneficiary or to an entity providing services. The rule would benefit beneficiaries and health benefits plans and is expected to have little or no cost impact.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9077

RIN: 0938-AB59

694. HOSPITAL INSURANCE ENTITLEMENT AND SUPPLEMENTARY MEDICAL INSURANCE ENROLLMENT, ENTITLEMENT, AND PREMIUMS

Legal Authority: 26 USC 3121; 42 USC 415; 42 USC 417; 42 USC 426; 42 USC 433; 42 USC 602; 42 USC 606; 42 USC 614; 42 USC 1382; 42 USC 1395c; 42 USC 1395p; 42 USC 1395q; 42 USC 1395r; 42 USC 1395v; 42 USC 1395w; ...

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 408

Abstract: This regulation would revise the Medicare rules that deal with hospital insurance entitlement and with supplementary medical insurance (SMI) enrollment, entitlement and premiums, as required by amendments to the Social Security Act. It would also revise Medicaid rules that deal with State buy-in agreements, under which States secure SMI benefits for certain Medicaid-eligible individuals, by paying their SMI premiums.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938–AB60

695. PAYMENT FOR SERVICES OF PHYSICIANS IN TEACHING SETTINGS, AND REASONABLE COMPENSATION EQUIVALENT LIMITS FOR SERVICES FURNISHED BY PHYSICIANS TO PROVIDERS

Legal Authority: 42 USC 1395u; 42 USC 1395x

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Abstract: These regulations would implement provisions of P.L. 96-499 and P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians who practice in the teaching setting. Specifically addressed by Congress is the problem distinguishing between the services a physician furnishes to individual patients as a teaching provider and services furnished to the provider, as well as the method of reimbursement for these services. This proposed rule sets forth the conditions under which physicians in teaching settings would be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule would also delete a regulatory requirement that we publish reasonable compensation equivalent (RCE) limits for services furnished by physicians to providers annually. Updating these limits annually is no longer necessary due to recent Medicare program changes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	

Small Entity: Undetermined

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Rm. 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938–AB61

696. TREATMENT OF SOCIAL SECURITY COST OF LIVING INCREASES FOR INDIVIDUALS WHO LOSE SSI ELIGIBILITY

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.135

Abstract: This revision to Medicaid rules provide that a State, in determining categorically needy financial eligibility for an individual who would still be eligible for benefits under SSI but for receipt of a section 215(i) cost of living increase after April 1977, must treat that individual as if he or she were still receiving SSI benefits. Section 215(i) cost of living increases are made to persons who receive monthly Social Security cash benefits. (This regulation is being developed pursuant to a court order.)

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14397
NPRM Comment Period Begin	04/12/85	
NPRM Comment Period End	06/11/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Roy Trudel, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility Policy, Room 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9128**

RIN: 0938–AB62

697. MEDICARE/MEDICAID REVALUATION OF ASSETS

Significance: Regulatory Program

Legal Authority: PL 98-369, Sec 2314; 42 USC 1395x

CFR Citation: 42 CFR 405.414; 42 CFR 405.415; 42 CFR 447.250; 42 CFR 447.253; 42 CFR 447.272

Abstract: This regulation would implement section 2314 of Pub.L. 98-369. Section 2314 of P.L. 98-369 imposes new limitations on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes would affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program. These changes are intended to promote economy in the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	04/00/86	

Small Entity: Undetermined

Agency Contact: Bruce Oliver, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Audit and Payment Policy, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-5892**

RIN: 0938–AB64

698. ESRD NETWORK AREA DESIGNATION PROCEDURES

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395y(a); 42 USC 1395hh; 42 USC 1395kk; 42 USC 1395rr

CFR Citation: 42 CFR 405.2110

Abstract: This proposal rule would remove the requirement in current regulations that HCFA change designations of ESRD network areas through rulemaking, and would remove the list of currently designated network areas that now appear in the regulations. This proposal would also remove the criteria that define existing network areas. This amendment would increase the efficiency and effectiveness of the ESRD program by instituting a faster process for changing network area designations as programmatic needs arise.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Yes

Agency Contact: Spencer Colburn, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Division of Inst. & Ambulatory Services, Hospitals Br., Rm. 2-D-2 ME, 6300 Security Blvd., Baltimore, MD 21207, **301 594-5547**

RIN: 0938–AB65

699. INFORMATION COLLECTION REQUIREMENTS FOR SUBPARTS L, M, AND Q OF PART 405

Legal Authority: 42 USC 1302; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395gg; 42 USC 1395hh; 42 USC 1395x(s)(10) and (11); 42 USC 1395aa; 42 USC 1395x(p)

CFR Citation: 42 CFR 405.1221(e); 42 CFR 405.1221(f); 42 CFR 405.1221(g); 42 CFR 405.1221(i); 42 CFR 405.1223(b); 42 CFR 405.1229(a); 42 CFR 405.1315(f); 42 CFR 405.1316(f); 42 CFR 405.1720(b); 42 CFR 405.1721

Abstract: The purpose of this proposed rule is to set forth changes in several regulations containing information collection requirements, and to obtain public comments on the proposed changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Stefan Miller, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Laboratory and Ambulatory Services Branch, Room 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-6394**

RIN: 0938–AB68

700. CHANGES TO RETURN ON EQUITY CAPITAL AND THE ELIMINATION OF THE EXCEPTION FROM THE COST LIMITS FOR NEW HHAS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v); 42 USC 1395ww(g); 42 USC 1395x

CFR Citation: 42 CFR 405.429; 42 CFR 405.460

Abstract: This rule would propose to revise the allowance for a return on equity capital for all proprietary health care providers other than hospitals and skilled nursing facilities (SNFs). Changes to the allowance for outpatient hospital services and SNF services would also be made. It would also revise the exception to the home health agency (HHA) cost limits for newly-established HHAs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: William Goeller, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Audit and Payment Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1803**

RIN: 0938–AB70

701. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412.72

Abstract: This proposed rule would clarify Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It would clarify that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 405.460 or 405.463(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-6403**

RIN: 0938–AB71

702. PAYMENT ADJUSTMENTS FOR SOLE COMMUNITY HOSPITALS

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d)

CFR Citation: 42 CFR 412.72; 42 CFR 412.92

Abstract: This proposed rule would change Medicare prospective payment regulations for inpatient hospital services to allow for an adjustment of the hospital-specific portion of the prospective payment rate for sole community hospitals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Charles Booth, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9760**

RIN: 0938–AB72

703. INCOME AND ELIGIBILITY VERIFICATION

Significance: Agency Priority

Legal Authority: 42 USC 1320b-7

CFR Citation: 42 CFR 431.300; 42 CFR 431.305; 42 CFR 431.306; 42 CFR 431.800; 42 CFR 431.804; 42 CFR 435.910; 42 CFR 435.912; 42 CFR 435.917; 42 CFR 435.920; 42 CFR 435.940; 42 CFR 435.945; 42 CFR 435.955; 42 CFR 435.960; 42 CFR 435.965; 42 CFR 435.948; ...

Abstract: This rule requires State Medicaid agencies to verify the social security numbers of their recipients and to exchange and use information from other Federal and State agencies to verify income and eligibility information on recipients.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10450
NPRM Comment Period Begin	03/14/85	
NPRM Comment Period End	04/29/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Joyce Somsak, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Quality Control Programs, Room 2071 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1354**

RIN: 0938–AB73

704. STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396d(c); 42 USC 1396d(d)

CFR Citation: 42 CFR 435; 42 CFR 442

Abstract: This rule would revise the standards for intermediate care facilities for the mentally retarded and persons with related conditions. It is intended to shift the focus away from facility oriented requirements to client-oriented requirements. Thus, the rule is designed to increase the focus on the provision of active treatment services for clients, clarify Federal requirements, and maintain essential client protection.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Samuel Kidder, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Branch, Room 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-5909**

RIN: 0938–AB76

705. MONTHLY ACTUARIAL RATES AND PART B PREMIUM RATES BEGINNING 01/01/86

Significance: Agency Priority

Legal Authority: 42 USC 1395r(a)(1), (3) and (4); 42 USC 1395r(a), (e), and (f)

CFR Citation: Not applicable

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning January 1, 1986. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1986. In addition, the notice announces the extension of the Part B premium amount at 25 percent of program costs for the calendar years 1986 and 1987.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	

Small Entity: Not Applicable

Agency Contact: Carter Warfield, Acting Chief, Department of Health and Human Services, Health Care Financing Administration, SMI Section, Office of the Actuary, Rm. M-1 Equitable Bldg., 1705 Whitehead Rd., Baltimore, MD 21207, **301 594-2893**

RIN: 0938–AB80

706. PART A PREMIUM FOR 12-MONTH PERIOD BEGINNING 01/01/86

Significance: Agency Priority

Legal Authority: 42 USC 1395i-2(d)(2)

CFR Citation: Not applicable

Abstract: This notice announces Medicare's monthly hospital insurance premium for the uninsured aged for the 12 months beginning January 1, 1986.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Cost Estimates, Rm. L-1 Equitable Bldg., 1705 Whitehead Rd., Baltimore, MD 21207, **301 594-2829**

RIN: 0938–AB81

707. ASSIGNMENT AND REASSIGNMENT OF HOME HEALTH AGENCIES TO DESIGNATED REGIONAL INTERMEDIARIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395h

CFR Citation: Not applicable

Abstract: This notice announces which fiscal intermediaries are designated as regional intermediaries to service all freestanding home health agencies, as required by section 2326(b) of P.L. 98-369. The transition to regional intermediaries will cost $3M.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/10/85	50 FR 14162
Final Action	10/00/85	

Small Entity: No

Agency Contact: Toba Winston, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Contract Policy Branch, Room 334, Meadows East Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-0471**

RIN: 0938–AB84

708. MEDICAID ELIGIBILITY--QUALITY CONTROL

Significance: Regulatory Program

Legal Authority: 42 USC 1396b

CFR Citation: 42 CFR 431.800-804; 42 CFR 431.810-822; 42 CFR 431.830-836; 42 CFR 431.901-904

Abstract: Under current regulations, States are allowed to rebut their quarterly projected error rate with more recent MEQC data. However, this rebuttal process underestimates the true error rate. Therefore, we are considering a revision of the regulations to eliminate the rebuttal process. Further, amendments that we are proposing would clarify the basic operating MEQC program functions and modify other MEQC program elements. We also plan to revise the criteria under which States may make good faith waiver requests. Waiver requests submitted after final regulations are in place will be reviewed under the new criteria regardless of the error rate period for which the waiver is being requested. Waivers will not be permitted for periods for which waivers were requested under prior waiver criteria.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Joyce Somsak, Director, Office of Quality Control Programs, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control Programs, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1354**

RIN: 0938–AB85

709. SNF COST LIMITS (EFFECTIVE 10/01/85)

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy

CFR Citation: 42 CFR 405.460

Abstract: This proposed notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would be effective for cost reporting periods beginning on or after October 1, 1985.

Timetable:

Action	Date	FR Cite
Proposed Notice	10/00/85	

Small Entity: Yes

Agency Contact: Carl Slutter, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Provider Payment Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-7365

RIN: 0938–AB86

710. MEDICAID: IDENTIFICATION OF THIRD PARTY RESOURCES

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(25)

CFR Citation: 42 CFR 433.138

Abstract: This regulation would provide that States use all available means to identify and collect third party resources. It would provide for cross referral between claims processing and recovery components within the State agency. These measures would improve program efficiency and reduce Medicaid expenditures through increased third part savings in those States that have not consistently pursued third party resources.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	02/00/86	

Small Entity: Undetermined

Agency Contact: Gale Held, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Operational Initiatives, Rm. 367 ME, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9101

RIN: 0938–AB88

711. ● LIMITATIONS ON THE REIMBURSEMENT OF NONPHYSICIAN MEDICAL SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.509; 42 CFR 405.511

Abstract: The reasonable-charge method used to determine reimbursement for Part B services has been criticized as an inherently inflationary system because actual charges, which have continued to increase steadily over time, affect each subsequent year's reasonable charges. This proposed rule would establish an additional charge factor to be considered in determining reasonable charges for nonphysician services, supplies, and equipment that are reimbursed on a reasonable charge basis. This new factor would represent the reasonable charge from the preceding fee screen year plus an inflation adjustment factor. For fee screen years beginning on or after October 1, 1986, the inflation adjustment factor would be the annual change in the level of the consumer price index for urban consumers for the 12-month period ending on March 31. For the fee screen year beginning on October 1, 1985, the inflation adjustment factor would be zero.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	40 FR 33324
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Reimbursement, Rm. 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1334

RIN: 0938–AB91

712. ● CONDITIONS OF PARTICIPATION FOR HOME HEALTH AGENCIES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395hh

CFR Citation: 42 CFR 405.1201 to 405.1230; 42 CFR 484; 42 CFR 485

Abstract: The sophistication of HHA service delivery has increased since 1973, the year of the last major HHA regulatory revisions. We are unsure whether current Federal requirements will ensure that HHAs are capable of furnishing quality services to program beneficiaries and that these HHAs will continue to remain as viable providers of health care. Therefore, proposed amendments would upgrade and strengthen selected home health agency requirements for this purpose.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Yes

Agency Contact: Sheila A. Ryan, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider and Supplier Standards, Rm 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-3775

RIN: 0938–AB93

713. ● PRESCRIPTION DRUG REIMBURSEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 1396(b)(i)(1); 42 USC 1396a(a)(30)

CFR Citation: 45 CFR 19.1 to 19.6; 42 CFR 447.331 to 334

Abstract: A proposed rule is being developed which would revise the method for setting limits on Federal matching payments under Medicaid for drugs. Current reimbursement for prescription drugs is limited to the lowest of (1) the estimated acquisition cost plus a reasonable dispensing fee, (2) the usual and customary charge for the prescription, or (3) for certain drugs available from multiple sources, the maximum allowable cost plus a reasonable dispensing fee. The regulations have been reviewed to determine their effects.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Yes

Agency Contact: Judy Boggs, Special Assistant to AAP, Department of Health and Human Services, Health Care Financing Administration, Rm 325H HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7982

RIN: 0938-AB97

714. ● END STAGE RENAL DISEASE (ESRD) NETWORK COORDINATING COUNCILS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395rr(c)

CFR Citation: 42 CFR 405.2100 to 405.2171

Abstract: This proposal would revise regulations pertaining to the existing End Stage Renal Disease (ESRD) network organizations and expand the number of organizations eligible to be network organizations. These entities are designed to promote high quality care and efficient use of resources associated with kidney dialysis and transplantation services. Experience over the past few years, and the enactment of other legislation, has proven that the role of the councils can be adequately assumed by other organizations and that the current arrangement is not the most cost effective.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Antoine J. Elias, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Institutional & Ambulatory Svcs., Rm. 2-D-2 ME, 6300 Security Blvd., Baltimore, MD 21207, 301 594-9712

RIN: 0938-AB98

715. ● HOSPITAL BASED SNF COST LIMITS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy

CFR Citation: 42 CFR 405.460

Abstract: This notice would set revised limits for hospital-based SNF inpatient routine service costs. One revised schedule of limits would be effective for cost reporting periods beginning on or after October 1, 1982, and prior to July 1, 1984. The other revised schedule would be effective for cost reporting periods beginning on or after July 1, 1984.

Timetable:

Action	Date	FR Cite
Proposed Notice	10/00/85	

Small Entity: Yes

Agency Contact: Carl Slutter, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Payment Policy, Rm. 1-F-3 ELR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-7365

RIN: 0938-AB99

716. ● PAYMENT FOR COSTS OF MALPRACTICE INSURANCE FOR HOSPITALS AND SKILLED NURSING FACILITIES

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l(a); 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx

CFR Citation: 42 CFR 405.452(a)

Abstract: An NPRM was published to amend the method we use to determine reasonable cost reimbursement for the costs of malpractice insurance incurred by hospitals and skilled nursing facilities (SNFs). We proposed to retain the claim-paid formula whereby a hospital or SNF would be reimbursed according to the ratio of its malpractice claims paid to all patients. A hospital or SNF with no malpractice claims-paid experience would be reimbursed on an amount equal to a national ratio of malpractice claims paid to Medicare patients compared to malpractice claims paid to all patients. In addition, we proposed to update the national ratio used to determine the amount payable to hospitals with no loss experience. After an analysis of public comments, a final rule will be developed.

Timetable:

Action	Date	FR Cite
NPRM	06/17/85	50 FR 25178
Final Action	11/00/85	

Small Entity: Yes

Agency Contact: Paul Trimble, Technical Advisor, Department of Health and Human Services, Health Care Financing Administration, Division of Audit and Payment Policy, Rm. 1-5-F ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-8640

RIN: 0938-AC00

717. ● MEDICAID COVERAGE OF QUALIFIED PREGNANT WOMEN AND CHILDREN AND NEWBORN CHILDREN

Legal Authority: PL 98-369, Sec 2361; PL 98-369, Sec 2362

CFR Citation: 42 CFR 435.3; 42 CFR 435.115; 42 CFR 435.116; 42 CFR 435.117; 42 CFR 435.301; 42 CFR 436.2; 42 CFR 436.114; 42 CFR 436.120; 42 CFR 436.122

Abstract: These regulations would conform the Medicaid regulations to statutory changes made by the Deficit Reduction Act of 1984 by adding two mandatory eligibility groups of individuals: qualified pregnant women and children under age 5 and certain newborn children. States have been advised previously that the statute is self-implementing. Additionally, a manual instruction containing procedures for States to implement these requirements was issued to States. However, these regulations are necessary to conform the Medicaid regulations to statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Richard Strauss, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Eligibility Policy, Rm. 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-6529

RIN: 0938-AC02

718. ● PAYMENT TO HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

Legal Authority: 42 USC 1395x; 42 USC 1395mm

CFR Citation: 42 CFR 417.401; 42 CFR 417.416; 42 CFR 417.442; 42 CFR 417.586; 42 CFR 417.592; 42 CFR 417.594; 42 CFR 417.596; 42 CFR 417.597

Abstract: This final rule responds to comments received on a final rule with comment period published January 10, 1985 (50 FR 1314). That rule authorized Medicare reimbursement for health services to eligible health maintenance organizations and competitive medical plans on a prospective basis for those entities that have a risk contract or on a reasonable cost basis for those that have a cost contract. The items open to comment were: (1) services by clinical psychologists in risk organizations, (2) direct payments to skilled nursing facilities, and (3) the establishment of benefit stabilization funds.

Timetable:

Action	Date	FR Cite
Final rule with comment period	01/10/85	50 FR 1314
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Anthony Lovecchio, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Alternative Reimbursement System, Rm. 1-A-2 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-4010**

RIN: 0938–AC03

719. ● DETERMINATION OF REASONABLE CHARGES FOR PHYSICIAN AND OTHER MEDICAL SERVICES

Legal Authority: 42 USC 1395u; PL 98-369, Sec 2306

CFR Citation: 42 CFR 405.501; 42 CFR 405.504; 42 CFR 405.551

Abstract: Section 2306(b) of the Deficit Reduction Act provided that the customary and prevailing charge levels that are used to determine the Part B reasonable charge of physicians and suppliers are to be updated on October 1 instead of July 1 of each year. In addition, the updates are to be computed on the basis of charges made by physicians and other suppliers for services during the period April 1 to March 31, instead of during the calendar year period preceding the update. This rule would revise Medicare rules regarding updating of the reasonable charge levels. Accordingly, it also announces that the annual economic index that would have been used to determine the amount of any increase to prevailing charges for physicians' services between July 1983 July 1, 1984, is superseded because of provisions in section 2306 of the Deficit Reduction Act, which provided for a freeze on the prevailing charge update for July 1984.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Reimbursement, Rm. 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 397-1334**

RIN: 0938–AC04

720. ● MEDICARE RECOVERY AGAINST THIRD PARTIES AND MEDICARE SECONDARY PAYOR

Legal Authority: 42 USC 1302; 42 USC 1395y; 42 USC 1395hh

CFR Citation: 42 CFR 489.20; 42 CFR 405.323; 42 CFR 405.324; 42 CFR 405.329; 42 CFR 405.344; 42 CFR 409

Abstract: This proposed rule would revise regulations to reflect recent statutory provisions regarding HCFA's right to bring an action directly against certain third parties or to join or intervene in an action against a third party. It would also place certain requirements on hospitals regarding the identification and billing of potential Medicare secondary payor cases. Additionally, it would include requirements regarding timely refunds to Medicare when collections have been made from another insurer. The proposal would also clarify rules for Medicare payment for services furnished to an end-stage renal disease (ESRD) patient who is also covered under an employer group health plan. And, it would update policies pertaining to Medicare payment for services covered under a workers' compensation law or plan.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Yes

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Rm. 474 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-4978**

RIN: 0938–AC05

721. ● IMPOSITION OF COINSURANCE FOR DURABLE MEDICAL EQUIPMENT FURNISHED AS A HOME HEALTH SERVICE

Legal Authority: 42 USC 1395f(k); 42 USC 1395l(a) (2) (B); 42 USC 1395cc (a) (2) (A) (ii); 42 USC 1395zz(b) and (c)

CFR Citation: 42 CFR 405.240; 42 CFR 409.61; 42 CFR 409.86; 42 CFR 489.30

Abstract: This proposed rule would conform existing regulations to recent statutory changes regarding coinsurance for durable medical equipment. The Deficit Reduction Act provided that durable medical equipment furnished by a home health agency would become subject to a coinsurance as it is when furnished by other providers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Les Warren, Policy Analyst, Department of Health and Human Services, Health Care Financing Administration, Medicare Eligibility Branch, Rm. 458 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9472**

RIN: 0938–AC06

722. ● MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395j to 1395v; 42 USC 1395x; 42 USC 1395y; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1395g; 42 USC 1395l; 42 USC 1395u; 42 USC 1395gg; 42 USC 1395pp

CFR Citation: 42 CFR 405.231(r); 42 CFR 405.232(b), (c); 42 CFR 405.310(e), (k)

Abstract: This proposed rule would implement section 2323 of P.L. 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The proposed rule would solicit public comments on our definition of those individuals who are at high or intermediate risk of contracting hepatitis B. The proposal would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Joyce Eng, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 463 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-0318

RIN: 0938-AC07

723. ● REASONABLE CHARGE LIMITATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.502

Abstract: The standard method of determining the reasonable charge for a Part B service can, in some instances, result in payments that may not be reasonable. In order to ensure that Medicare payments are reasonable, special reasonable charge limits must be adopted. This proposed regulation would state the circumstances under which HCFA would consider establishing special reasonable charge payment limits for services reimbursed under Par B of the Medicare program, as well as the procedures it would follow in establishing them.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Ronald Wren, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Rm. I-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-7107

RIN: 0938-AC08

724. ● PROCESSING OF CLAIMS BY ELECTRONIC MEANS AS A CONDITION OF QUALIFICATION FOR THE PERIODIC INTERIM PAYMENT METHOD OF REIMBURSEMENT

Legal Authority: 42 USC 1395g

CFR Citation: 42 CFR 405.454

Abstract: The PIP method is an administrative device to reduce paperwork and alleviate cash flow problems experienced by providers. It permits payment of predetermined, standard amounts for furnished services that are not based on individual patient bills. Many providers currently on PIP continue to submit claims in hard-copy because there is no incentive to submit bills through electronic means. This proposed rule would require that providers submit claims for Medicare payment electronically to qualify for periodic interim payments. This requirement would increase the accuracy and efficiency of Medicare claims processing. The proposed rule would result in a significant reduction in administrative costs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Yes

Agency Contact: Dan Baker, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Provider Procedures, Rm I-H-3 ME, 6325 Security Blvd., Baltimore, MD 21207, 301 594-5415

RIN: 0938-AC09

725. ● PATIENT CARE AND SERVICES (PACS) SURVEY PROCESS

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 442

Abstract: The Court of Appeals for the Tenth Circuit ruled that the Secretary of HHS has a duty to establish an enforcement system which will adequately inform her, on a continuing basis, whether nursing homes receiving Federal Medicaid funds are actually providing high quality medical care. The primary proposal under consideration is nationwide implementation of the Patient Care and Services (PaCS) survey process. The PaCS survey would: provide continuing information on whether nursing homes are providing quality care; and, would be used as an enforcement mechanism to terminate participation of those facilities that do not maintain high quality care. This change would be implemented through the rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Yes

Agency Contact: Sharon Harris, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Survey and Certification, Rm. 2-A-5 ME, 6325 Security Blvd., Baltimore, MD 21207, 301 594-5547

RIN: 0938-AC10

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Completed Actions

COMPLETED RULEMAKINGS

726. IMPOSITION OF COST SHARING CHARGES UNDER MEDICAID

Significance: Agency Priority

CFR Citation: 42 CFR 431.55; 42 CFR 447.15; 42 CFR 447.53

Completed:

Reason	Date	FR Cite
Final Action	05/30/85	50 FR 23009
Final Action Effective	07/01/85	

Small Entity: Yes

Agency Contact: Marinos Svolos 301 594-9051

RIN: 0938-AA02

727. MMIS: CONDITIONS OF APPROVAL AND REAPPROVAL AND PROCEDURES FOR REDUCTION OF FEDERAL FINANCIAL PARTICIPATION

Significance: Agency Priority

CFR Citation: 42 CFR 433.110 to 433.114; 42 CFR 433.116 to 433.117; 42 CFR 433.119 to 433.123; 42 CFR 433.127; 42 CFR 433.130 to 433.131; 42 CFR 400.310

Completed:

Reason	Date	FR Cite
Final Action	07/30/85	50 FR 30838
Final Action Effective	08/29/85	

Small Entity: No

Agency Contact: Guy Harriman 301 594-4880

RIN: 0938-AA05

728. WITHHOLDING THE FEDERAL SHARE OF PAYMENTS TO RECOVER MEDICARE OR MEDICAID OVERPAYMENTS

Significance: Agency Priority

CFR Citation: 42 CFR 400.310; 42 CFR 405.301; 42 CFR 405.375; 42 CFR 447.30; 42 CFR 447.31

Completed:

Reason	Date	FR Cite
Final Action	05/10/85	50 FR 19684
Final Action Effective	06/10/85	

Small Entity: No

Agency Contact: Dan Metzman 301 594-8194

RIN: 0938-AA09

729. HOME AND COMMUNITY BASED SERVICES

Significance: Agency Priority

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 435.217; 42 CFR 436.217; 42 CFR 440.180; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.306; 42 CFR 441.310; 42 CFR 435.3; 42 CFR 435.232

Completed:

Reason	Date	FR Cite
Final Action	03/13/85	50 FR 10013
Final Action Effective	04/12/85	

Small Entity: Yes

Agency Contact: Robert Wren 301 594-9690

RIN: 0938-AA19

730. FEDERAL FINANCIAL PARTICIPATION FOR INMATES IN PUBLIC INSTITUTIONS AND INDIVIDUALS IN AN INSTITUTION FOR MENTAL DISEASE OR TUBERCULOSIS

CFR Citation: 42 CFR 435.1008; 42 CFR 436.1004

Completed:

Reason	Date	FR Cite
Final Action	04/03/85	50 FR 13196
Final Action Effective	05/03/85	

Small Entity: No

Agency Contact: Roy Trudel 301 594-9128

RIN: 0938-AA93

731. CLAIMS PROCESSING ASSESSMENT SYSTEM

Significance: Agency Priority

CFR Citation: 42 CFR 431.800

Completed:

Reason	Date	FR Cite
Final Action	05/29/85	50 FR 21839
Final Action Effective	06/28/85	

Small Entity: No

Agency Contact: Marianne Faulstich 301 597-3961

RIN: 0938-AB04

732. UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS: IMPOSITION OF SANCTIONS ON HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES

Significance: Agency Priority

CFR Citation: 42 CFR 474.0 to 474.48

Completed:

Reason	Date	FR Cite
Final Action	04/17/85	50 FR 15335
Final Action Effective	05/17/85	

Small Entity: No

Agency Contact: Anthony J. Tirone 301 594-9208

RIN: 0938-AB11

733. UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATION (PRO): ASSUMPTION OF MEDICARE REVIEW FUNCTIONS AND COORDINATION WITH MEDICAID

Significance: Agency Priority

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 431; 42 CFR 433; 42 CFR 456; 42 CFR 460; 42 CFR 462; 42 CFR 466; 42 CFR 412

Completed:

Reason	Date	FR Cite
Final Action	04/17/85	50 FR 15312
Final Action Effective	05/17/85	

Small Entity: No

Agency Contact: Kay Terry 301 594-7910

RIN: 0938-AB12

734. ACQUISITION PROTECTION AND DISCLOSURE OF UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATION INFORMATION

Significance: Agency Priority

CFR Citation: 42 CFR 476

Completed:

Reason	Date	FR Cite
Final Action	04/17/85	50 FR 15347
Final Action Effective	05/17/85	

Small Entity: No

Agency Contact: Mary K. Terry 301 594-7910

RIN: 0938-AB13

735. PRO RECONSIDERATIONS AND APPEALS

Significance: Agency Priority

CFR Citation: 42 CFR 473.10; 42 CFR 473.18; 42 CFR 473.20; 42 CFR 473.22; 42 CFR 473.24; 42 CFR 473.28; 42 CFR 473.30; 42 CFR 473.34; 42 CFR 473.36; 42 CFR 473.32; 42 CFR 473.42; 42 CFR 473.44; 42 CFR 473.46; 42 CFR 473.48; 42 CFR 473.16; ...

Completed:

Reason	Date	FR Cite
Final Action	04/17/85	50 FR 15364
Final Action Effective	05/17/85	

Small Entity: No

Agency Contact: Kay Terry 301 594-7910

RIN: 0938–AB24

736. MEDICARE AND MEDICAID: CORRECTIONS AND CONFORMING CHANGES

CFR Citation: 42 CFR 405; 42 CFR 408; 42 CFR 409; 42 CFR 440; 42 CFR 474; 42 CFR 456; 42 CFR 488; 42 CFR 400; 42 CFR 442; 42 CFR 481; 42 CFR 485; 42 CFR 491

Completed:

Reason	Date	FR Cite
Final Action	08/16/85	50 FR 33027

Small Entity: No

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938–AB25

737. DEFICIT REDUCTION ACT OF 1984; INFORMATION NOTICE ON MEDICARE AND MEDICAID AMENDMENTS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	07/17/85	50 FR 28988

Small Entity: No

Agency Contact: Matt M. Plonski 301 594-9710

RIN: 0938–AB47

738. HOSPITAL PROSPECTIVE PAYMENT RATES FOR FY 1986

Significance: Regulatory Program

CFR Citation: 42 CFR 405.301; 42 CFR 405.308; 42 CFR 405.463; 42 CFR 412.10; 42 CFR 412.23; 42 CFR 412.32; 42 CFR 412.42; 42 CFR 412.44; 42 CFR 412.45; 42 CFR 412.48; 42 CFR 412.84; 42 CFR 412.96; 42 CFR 412.118

Completed:

Reason	Date	FR Cite
Final Action	09/03/85	50 FR 35646

Small Entity: Yes

Agency Contact: Charles Booth 301 594-9760

RIN: 0938–AB48

739. MEDICAL REVIEW FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITIES AND INDEPENDENT PROFESSIONAL REVIEW FOR INSTITUTIONS FOR MENTAL DISEASE

CFR Citation: 42 CFR 456

Completed:

Reason	Date	FR Cite
Combined with RIN-AB55	08/00/85	

Small Entity: Undetermined

Agency Contact: Pat Harfst 301 594-9712

RIN: 0938–AB53

740. HHA COST LIMITS FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1985

CFR Citation: 42 CFR 405.460

Completed:

Reason	Date	FR Cite
Final Action	07/05/85	50 FR 27734
Final Action Effective	07/01/85	

Small Entity: Yes

Agency Contact: Carl Slutter 301 594-7365

RIN: 0938–AB74

741. SKILLED NURSING FACILITY COST LIMITS (EFFECTIVE 7/1/84) FOR HOSPITAL-BASED SNFS

Significance: Regulatory Program

CFR Citation: 42 CFR 405.460

Completed:

Reason	Date	FR Cite
Incorporated with RIN 0938-AB99	07/29/85	

Small Entity: Yes

Agency Contact: Carl Slutter 301 594-7365

RIN: 0938–AB75

742. REDESIGNATION OF PROSPECTIVE PAYMENT RULES

CFR Citation: 42 CFR 405.470 to 477; 42 CFR 412

Completed:

Reason	Date	FR Cite
Final Action	03/29/85	50 FR 12740
Final Action Effective	04/29/85	

Small Entity: Not Applicable

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938–AB77

743. INPATIENT HOSPITAL DEDUCTIBLE (1986)

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	09/30/85	50 FR 39941

Small Entity: Not Applicable

Agency Contact: Solomon Mussey 301 594-2829

RIN: 0938–AB78

744. MEDICARE ECONOMIC INDEX FOR PHYSICIANS' SERVICES BEGINNING 10/01/85

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	09/30/85	50 FR 39941

Small Entity: Not Applicable

Agency Contact: Carter Warfield 301 594-2893

RIN: 0938–AB79

745. REVIEW OF INFORMATION COLLECTION REQUIREMENTS, SUBPARTS L, M, Q OF PART 405

CFR Citation: 42 CFR 405

Completed:

Reason	Date	FR Cite
Final Action	08/09/85	50 FR 32238

Small Entity: No

Agency Contact: Frank Burns 301 594-8651

RIN: 0938–AB82

746. OMB CONTROL NUMBERS FOR COLLECTIONS OF INFORMATION CONTAINED IN HCFA REGULATIONS

CFR Citation: 42 CFR 400; 42 CFR 416; 42 CFR 435

Completed:

Reason	Date	FR Cite
Final Action	07/15/85	50 FR 28577
Final Action Effective	07/15/85	

Small Entity: No

Agency Contact: Matt Plonski 301 594-9710

RIN: 0938–AB83

747. HOME AND COMMUNITY-BASED SERVICES WAIVERS EXPENDITURE CONTROLS

CFR Citation: 42 CFR 441.300; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305

Completed:

Reason	Date	FR Cite
Withdrawn	07/10/85	

Small Entity: No

Agency Contact: Robert Wren 301 594-9690

RIN: 0938–AB87

[FR Doc. 85-22042 Filed 10-28-85; 8:45 am]

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Federal Register

Tuesday
October 29, 1985

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

HUD

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-85-1547]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291, "Federal Regulation," the Department is publishing its Agenda of proposed regulations already issued or expected to be issued, and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the Agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The Agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into three groups: (i) Current and projected rulemakings, (ii) reviews of existing regulations, and (iii) completed or withdrawn regulations and completed reviews. Within each grouping, rules are listed in chronological order by the Part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected Part number. Rules which are designated "priority" include all regulations designated for priority development or review by the Department, all regulations that are "major rules" under section 1(b) of Executive Order 12291, and all regulations designated as significant in the Administration's Regulatory Program.

Under Executive Order 12291, a "major rule" means "any regulation that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

Items listed in this Agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; Government National Mortgage Association; and Office of the Inspector General.

DATED: August 27, 1985.

Stuart C. Sloame,

Acting Deputy General Counsel.

HUD

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
748	24 CFR 00 Standards of Conduct (S-5-85; FR-2146)	2501-AA31
749	24 CFR 55, (New) Procedure for Floodplain Management and the Protection of Wetlands. Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
750	24 CFR 17 Implementation of the Interest Provisions of the Debt Collection Act of 1982 (S-9-84; FR-2022)	2501-AA24
751	24 CFR 17 Tax Refund Deduction Program (S-2-85; FR 2092)	2501-AA28
752	24 CFR 20 Board of Contract Appeals Rules of Procedures (S-1-79; FR-1349)	2501-AA04
753	24 CFR 24 Suspension and Debarment (S-2-79; FR-1676)	2501-AA05
754	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
755	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85)	2501-AA30
756	24 CFR 56, (New) Policies for the Requirement to Maintain Flood Insurance: Implementation of Sections 102(a) and 202(a) of the Flood Disaster Protection Act (S-3-85)	2501-AA29
757	24 CFR 58 Environmental Review Procedures - Rental Rehabilitation and Housing Development Grant Program (S-6-84; FR-1965)	2501-AA25
758	24 CFR 81.41(b) Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10
759	24 CFR 791 Review of Applications for Housing Assistance and Allocation Housing Assistance Funds (S-10-84; FR-1896)	2501-AA27

Office of the Secretary—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
760	00 CFR Not yet determined Office of Small and Disadvantaged Business Utilization: General Functions and Role in the Department's Procurement Process (S-8-84; FR-1894)	2501-AA22

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
761	24 CFR 1800 Allocation of Funds and Miscellaneous Changes for the Solar Energy and Energy Conservation Bank (S-1-85; FR-2051)	2501-AA32

Office of Housing—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
762	00 CFR Not yet determined Section 8 Housing Assistance Payments Program - Housing Vouchers (H-42-85)	2502-AD26
763	24 CFR 15 Disclosure of Financial Information to Mortgage Purchasers (H-78-84; FR-2014)	2502-AC65
764	24 CFR 35 Lead Based Paint Poisoning Prevention (H-81-82; FR-1748)	2502-AA06
765	24 CFR 56 Flood Insurance Requirements for Mortgage Insurance and Grant Program (CPD-74-84; FR-2007)	2502-AC76
766	24 CFR 200.929 Use of Materials Bulletin No. 38i - HUD Building Product Standards and Certification Program for the Grademarking of Lumber (H-104-82; FR-2109)	2502-AA66
767	24 CFR 200.935 Use of Materials Bulletin No. 86 - HUD Building Product Standards and Certification Program for EPDM Roofing (H-106-82)	2502-AA68
768	24 CFR 200 Supplement to Minimum Property Standards for Solar Heating and Domestic Hot Water Systems (H-6-80; FR-1320)	2502-AA99
769	24 CFR 200.929 Use of Material Bulletin No. 78a, Plastic Supply Piping for Domestic Cold Water (H-33-79; FR-1154)	2502-AB05
770	24 CFR 200.925 Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act (H-82-82; FR 1578)	2502-AB24
771	24 CFR 200 Minimum Property Standards for Care-Type Housing -- MPS (H-39-83; FR-1776)	2502-AB86
772	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (H-26-82; FR-1588)	2502-AC13

HUD

Office of Housing—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
773	24 CFR 200.935 Use of Materials Bulletin (UM) No. 44d-HUD Building Product Standards and Certification Program for Carpet and Attached Cushion (H-85-84)	2502-AC71
774	24 CFR 200.935 Use of Materials Bulletin (UM) No. 52b - HUD Building Product Standards and Certification Program for Wood Flush Doors (H-83-84; FR-2115)	2502-AC78
775	24 CFR 200 Use of Materials Bulletin No. 48a - HUD Building Product Standards and Certification Program for Pressure Treated Lumber and Plywood (H-17-85)	2502-AC98
776	24 CFR 200 Use of Materials Bulletin No. 71 - Polystyrene Foam Board (H-20-85)	2502-AD00
777	24 CFR 200 Use of Materials Bulletin No. 40c - Grademarking of Plywood (H-21-85)	2502-AD01
778	24 CFR 200 Use of Materials Bulletin No. 88 - Mat Formed Particleboard (H-22-85)	2502-AD02
779	24 CFR 201 Property Improvement and Manufactured Home Loan Program Deregulation Amendments (H-57-81; FR-1656)	2502-AA93
780	24 CFR 203.43c Eligibility of Mortgages Involving a Dwelling Unit in a Cooperative Housing Development (H-93-82; FR-1742)	2502-AA61
781	24 CFR 203 Mortgage Insurance for One-to-Four-Family Residences--Adjustment for Damages or Neglect (H-19-79; FR-837)	2502-AB03
782	24 CFR 203 Mortgagee Approval - Eligibility Requirements (H-64-78; FR-903)	2502-AB12
783	24 CFR 203.18 Veteran Qualifications--Eligibility Requirements for Mutual Mortgage Insurance and Rehabilitation Loans (H-47-83; FR-1801)	2502-AB89
784	24 CFR 203.42(a) Mutual Mortgage Insurance and Rehabilitation Loans; Elimination of Restrictions on Contiguous Properties Applicable to Investor Mortgagors (H-1-84; FR-1831)	2502-AC17
785	24 CFR 203 One-time Mortgage Insurance Premium for Non-mutual Fund-Single Family Insurance Program (H-40-84; FR-1930)	2502-AC35
786	24 CFR 203 Single Family Mortgage Insurance on Hawaiian Home Lands (H-39-84; FR-1928)	2502-AC36
787	24 CFR 200 Payment of Claims without Acquisition of Title (H-38-84; FR-1927)	2502-AC37
788	24 CFR 203 Single Family Mortgage Insurance - Indian Reservations (H-36-84; FR-1921)	2502-AC39
789	24 CFR 203 Insurance of Single Family Shared Appreciation Mortgages (H-33-84; FR-1917)	2502-AC42
790	24 CFR 203 Insurance of Single Family Adjustable Rate Mortgages (H-32-84; FR-1916)	2502-AC43
791	24 CFR 203 Insurance of Single Family Indexed Mortgages (H-31-84; FR-1915)	2502-AC44
792	24 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
793	24 CFR 203 Limit On Claim Cost (H-82-84)	2502-AC52
794	24 CFR 203 Penalty for Lack of Documentation (H-80-84)	2502-AC54
795	24 CFR 200 Use of Commitment Correspondents in Connection with FHA Mortgage Insurance (H-60-84;FR-1954)	2502-AC66
796	24 CFR 203 Refinancing of FHA Single Family Loans-Technical Revisions (H-66-84; FR-1979)	2502-AC80
797	24 CFR 203 FHA Mortgage Insurance on Indian Land where the Tribe is the Mortgagor (H-8-85; FR-2059)	2502-AC81
798	24 CFR 203 Conveyance of Occupied Properties to HUD (H-9-85; FR-2064)	2502-AC86
799	24 CFR Ch II HUD Inspections - No Duty of Care (H-1-85; FR-2025)	2502-AC92
800	24 CFR 203 Deficiency Judgements - Single Family Mortgages (H-95-82; FR-1717)	2502-AD25
801	24 CFR 203.33 Relation of Income to Mortgage Payments (H-35-85; FR-2117)	2502-AD30
802	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP), and Assignments to Housing and Urban Development (H-44-85; FR-2147)	2502-AD34
803	24 CFR 204 Coinsurance Program (H-28-80; FR-1094)	2502-AB01
804	24 CFR 207 Multifamily Mortgage Insurance (H-96-82)	2502-AA63
805	24 CFR 207 Mortgage Insurance Programs under National Housing Act (H-48-81; FR-1525)	2502-AA90
806	24 CFR 207 Cooperative Housing Mortgage Insurance Subordinated Secretary-held Mortgages (H-33-83; FR-1756)	2502-AB97
807	24 CFR 207 Limitation on Prepayment for Bond Financed Projects (H-54-83; FR-1819)	2502-AC01
808	24 CFR 207.261 Multifamily Housing Mortgage Insurance - Assignment of Insured Mortgages (H-35-83; FR-1768)	2502-AC14
809	24 CFR 207.256 Change in Default Notice Reporting Period - Multifamily Insurance (H-4-84; FR-1842)	2502-AC18
810	24 CFR 207.4 Multifamily Mortgage Insurance Programs; Requirement of Increased Equity Limited Recourse or Special Escrow (H-15-84; FR-1871)	2502-AC19
811	24 CFR 207 Deregulation of Rents (H-28-84; FR-1905)	2502-AC21
812	24 CFR 207 Insurance of Multifamily Graduated Payment Mortgages (H-16-84; FR-1872)	2502-AC27
813	24 CFR 207 Insurance of Multifamily Shared Application Mortgages (H-41-84; FR-1934)	2502-AC34
814	24 CFR 207 Insurance of Multifamily Partially Amortized Mortgages (H-34-84; FR-1918)	2502-AC41
815	24 CFR 207 Limitation on Prepayment of Mortgages or Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
816	24 CFR 207 Removal of Refinancing Limitations (H-2-85; FR-2028)	2502-AC89
817	24 CFR 207.32a Revision of Maximum Insurable Mortgage Amount in Multifamily Refinancings Under Section 223(f) (H-38-85; FR-2126)	2502-AD31
818	24 CFR 215 Preferences for Persons Displaced and Living in Substandard Housing (H-22-80; FR-1597)	2502-AA34
819	24 CFR 215 Definition of Income Rents and Reexamination of Family Income for the Rent Supplement and Section 236 Programs (H-140-82, H-141-82; FR-1702)	2502-AC05
820	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
821	24 CFR 219 Flexible Subsidy Program (H-48-82)	2502-AA53
822	24 CFR 219 Flexible Subsidy Program; 1983 Amendments (H-50-84)	2502-AC31

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Office of Housing—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
823	24 CFR 232 Interest Rates for Fire Safety Equipment in Nursing Homes to be Set by FR Notice (H-10-85; FR-2065)	2502-AC85
824	24 CFR 234 Condominium Ownership Mortgage Insurance-1983 Act Amendments (H-71-84; FR-1999)	2502-AC79
825	24 CFR 235 Amendments to the Section 235 Program (H-3-85; FR-2037)	2502-AC93
826	24 CFR 241 Maximum Mortgage Amounts for Hospitals (H-72-84; FR-2004)	2502-AC64
827	24 CFR 242 Refinancing of Hospital Mortgages (H-50-83; FR-1806)	2502-AC15
828	24 CFR 242 Mortgage Insurance Requirements for Private and Public Hospitals (H-69-84, FR-1992)	2502-AC61
829	24 CFR 265.13 Transfer from Nonprofit to Profit Motivated Ownership for Multifamily Housing Projects with HUD-Insured or HUD-Held Mortgages (H-37-83; FR-1771)	2502-AB93
830	24 CFR 290 HUD-Owned Multifamily Projects-Management and Disposition (H-69-78; FR-432)	2502-AC68
831	24 CFR 290.17 HUD-Owned Multifamily Projects - Management and Disposition - Rent Setting Provisions (H-41-85; FR-2142)	2502-AD33
832	24 CFR 390 Securitization of Adjustable Rate Mortgages (H-61-84; FR-1962)	2502-AC70
833	24 CFR 215 Shared Housing and Revised Occupancy Policies (H-59-83; FR-1829)	2502-AB87
834	24 CFR 850 Housing Development Grant Program (H-26-84; FR-1902)	2502-AC23
835	24 CFR 880 Government Officials, Conflicts of Interest (H-127-82)	2502-AA13
836	24 CFR 231 Mandatory Meals Programs (H-43-85)	2502-AD27
837	24 CFR 882 Section 8 Housing Assistance Payments Program - Moderate Rehabilitation (H-38-81; FR-1527)	2502-AA86
838	24 CFR 882 Targeting of Section 8 Certificates of Family Participation (H-22-83; FR-1736)	2502-AB47
839	24 CFR 882 Section 8 Housing Assistance Payments Programs Portability of Section 8 Existing Housing Certificates (H-46-83; FR-1800)	2502-AB88
840	24 CFR 882 Single Room Occupancy Housing (H-25-84; FR-1898)	2502-AC25
841	24 CFR 882 Section 8 Housing Assistance Payments Program-Existing Housing-Quality Standards-Lead Based Paint (H-2-83; FR-1528)	2502-AC55
842	24 CFR 0882.215 Section 8 Existing Housing Assistance Payments Program Causes for Termination from Tenancy (H-37-85; FR-2114)	2502-AD29
843	24 CFR 885 Housing for the Elderly or Handicapped (H-99-82)	2502-AB28
844	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03
845	24 CFR 885 Section 202 - Loans for Housing for the Elderly or Handicapped (H-10-84; FR-1899)	2502-AC53
846	24 CFR 885 Section 202 Loans for Housing for the Elderly or Handicapped- Community Representation on Borrower's Board (H-46-78)	2502-AC99
847	24 CFR 886 Additional Assistance Program for Projects with HUD-Insured or HUD-Held Mortgages (H-89-78)	2502-AA41
848	24 CFR 886 Miscellaneous Revisions to Part 886 (H-59-84; FR-1950)	2502-AC59
849	24 CFR 880 Section 8-Limit on Contract Rent Increases (H-132-82; FR-1703)	2502-AA18
850	24 CFR 888 Section 8 Housing Assistance Payments Program - Fiscal Year 1986 Fair Market Rents - Existing Housing (H-86-84; FR-2133)	2502-AC67
851	24 CFR 892 Section 8-Litigation by PHAs to Recover Wrongfully Used Section 8 Funds (H-126-82; FR-1692)	2502-AA12
852	24 CFR 910, (New) Book Entry Securities of Public Housing Authorities (P-64-83; FR-1845)	2502-AB75
853	24 CFR 1710 Technical Amendments to the Interstate Land Sales Registration Regulations (H-15-85; FR-2080)	2502-AC83
854	24 CFR 3280 Transportation, Durability, Testing - Manufactured Home Construction and Safety Standards (H-23-85)	2502-AD03
855	24 CFR 3280 Manufactured Home Construction and Safety Standards (H-30-85; FR-2137)	2502-AD10
856	24 CFR 3280 Revision of Manufactured Home Construction and Safety Standards - Subpart F - Thermal Protection (H-31-85)	2502-AD11
857	24 CFR 3280 Manufactured Home Construction and Safety Standards: Energy Efficiency Standards (H-40-85; FR-2136)	2502-AD32
858	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations; Primary Inspection Agency (PIA) Rating (H-28-85)	2502-AD08
859	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations, Subpart G - Administrative Agencies (H-32-85; FR-2113)	2502-AD12
860	24 CFR 3500 Real Estate Settlement Procedures Act -- Controlled Business Provisions and Miscellaneous Changes (H-45-84; FR-1942)	2502-AC09

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
861	24 CFR 200 Elimination of Minimum Property Standards (MPS) for One- and Two-Family Dwellings (H-74-82; FR-1655)	2502-AA03

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Office of Housing—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
862	24 CFR 200.93 Multifamily Participation Review Committee (H-75-84; FR-2008)	2502-AC72
863	24 CFR 200.161 Revision of Direct Endorsement Program (H-84-84; FR-2032)	2502-AC75
864	24 CFR 203.32 Second Mortgages or Liens on FHA-Insured Mortgages--Escrow Accounts Associated with Interest Buy-Downs (H-84-82; FR-1590)	2502-AA57
865	24 CFR 203.410 Issue Date of Debentures (H-51-81; FR-1501)	2502-AA91
866	24 CFR 203.22(b) Mutual Mortgage Insurance and Rehabilitation Loans Prepayment Privileges and Application of Late Charges (H-9-79; FR-1028)	2502-AB02
867	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP), and Assignments to Housing and Urban Development (H-29-81; FR-1415)	2502-AB79
868	24 CFR 203.12 Mortgage Insurance Endorsement on a New or Existing Dwelling in a New Subdivision or Improved Area (H-13-84; FR-1867)	2502-AC04
869	24 CFR 203 Reinsurance Demonstration Program (H-46-84)	2502-AC11
870	24 CFR 203 Changes in Maximum Loan-to-Value Ratio, Single Family Housing (H-42-84; FR-1935)	2502-AC33
871	24 CFR 205 Mortgage Insurance for Land Development (Title X); Provides Eligibility for Refinancing Transactions (H-41-83; FR-1779)	2502-AB98
872	24 CFR 205 Geographical Eligibility of Property (H-67-84; FR-1982)	2502-AC51
873	24 CFR 207 Section 223(f) Insurance in Connection With Rental Rehabilitation Development Grant Program (H-52-84)	2502-AC29
874	24 CFR 207.32a Section 223(f) Cooperatives (H-56-84)	2502-AC47
875	24 CFR 208 Partial Payment of Claims (H-88-84; FR-2040)	2502-AC62
876	24 CFR 207 Coinsurance for the Purchase or Refinancing of Existing Multifamily Housing Projects - Technical Revisions (H-63-84; FR-1973)	2502-AC74
877	24 CFR 813 Technical Amendments to Definition of Income (H-6-85; FR-2052)	2502-AC82
878	24 CFR 232 Mortgage Insurance for Board And Care Homes (H-55-84; FR-1960)	2502-AC48
879	24 CFR 245 Tenant Participation in Multifamily Housing Projects (H-20-83; FR-1730)	2502-AB66
880	24 CFR 245 Tenant Participation--Prepayment or Termination of Insurance of Subsidized Projects (H-79-84; FR-2015)	2502-AC57
881	24 CFR 241 Part 251 - Labor Standards Technical Revisions (H-34-85; FR-2143)	2502-AD06
882	24 CFR 255 Section 223(f) Coinsurance for Purchase or Refinancing of Existing Multifamily Housing Projects (H-53-81; FR-1391)	2502-AA92
883	24 CFR 450 Evictions from Certain Subsidized and HUD-owned Projects (H-5-83; FR-1661)	2502-AB59
884	24 CFR 813 Revision to Definition of Income Resulting from Consultation with the Farmers Home Administration (H-4-85; FR-2042)	2502-AC91
885	24 CFR 880.405 Clarification of Contract Rent Adjustment After Cost Certification (H-77-84; FR-2013)	2502-AC69
886	24 CFR 885 Eligibility of Existing Structures and Moderate Rehabilitation to Meet Needs of Non-Elderly Handicapped (H-40-81; FR-1543)	2502-AA29
887	24 CFR 885.410(g) Loans for the Elderly or Handicapped; Interest Rate Adjustments (H-11-85; FR-2066)	2502-AC84
888	24 CFR 888 Section 8 Housing Assistance Payments Programs: Fair Market Rent Schedules for Existing Housing and Moderate Rehabilitation (H-27-84; FR-1904)	2502-AC22
889	24 CFR 888 Section 8 Housing Assistance Payments Program Contract Rent Annual Adjustment Factors (Federal Register Notice of Publication) (H-57-84)	2502-AC46
890	24 CFR 880 Section 8 Housing Assistance Payments Programs; Promulgation of Fair Market Rent Schedules by Notice (H-73-84; FR-2005)	2502-AC56
891	24 CFR 888 Fair Market Rents for the Section 8 New Construction and Substantial Rehabilitation Programs (H-5-85; FR-2079)	2502-AC94
892	24 CFR 3280 Federal Manufactured Home Construction and Safety Standards (H-46-82; FR-1637)	2502-AA01
893	24 CFR 3280 Manufactured Home Construction and Safety Standards (Voluntary Consensus Standards) (H-72-82; FR-1633)	2502-AA02
894	24 CFR 3280 Standards for Small Manufactured Homes, Manufactured Home Construction and Safety Standards (H-19-85)	2502-AC95
895	24 CFR 3280 Hardboard Siding - Manufactured Homes Construction and Safety Standards (H-24-85)	2502-AD04
896	24 CFR 3280 Manufactured Home Construction and Safety Standards - Condensation and Ventilation (H-27-85)	2502-AD07
897	24 CFR 3280 Revision of Manufactured Home Construction and Safety Standards - Subparts A, B, D, E, G, H, I (H-25-85)	2502-AD14
898	24 CFR 3282.454 Manufactured Home Procedural and Enforcement Regulations Monitoring Inspection Fee (H-30-83; FR-1767)	2502-AB48
899	24 CFR 3282.203 MFC Home Procedural and Enforcement Regulations to Eliminate Requirement that IPIAs Maintain Copies of Data Plates (H-53-82; FR-1815)	2502-AC16
900	24 CFR 3282 Manufactured Housing Complaint Index (H-18-85)	2502-AC97
901	24 CFR 3282 Revision of Manufactured Home Procedural and Enforcement Regulations - Consumer Complaint Handling (H-26-85)	2502-AD05
902	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations; Primary Inspection Agency (PIA) Licensing (H-29-85)	2502-AD09

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Office of Housing—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
903	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations; Subpart L - Reporting Requirements (H-33-85)	2502-AD13
904	24 CFR 886 Section 8 Housing Assistance Program for Disposition of the HUD-Owned Projects (H-6-79; FR-823)	2502-AB42
905	24 CFR 3280 Medium Density Fiberboard (MDF) (H-16-85; FR-2093)	2502-AC96
906	24 CFR 813 Delayed Implementation of Income Definitions for the Section 8 Housing Assistance Payments Rent Supplement and Section 236 Programs (H-36-85; FR-2083)	2502-AD28

Office of Community Planning and Development—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
907	24 CFR 42 Uniform Relocation Assistance and Real Property Acquisition (CPD-15-83; FR-2106)	2506-AA46
908	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (CPD-29-78; FR-1054)	2506-AA10
909	24 CFR 58 Environmental Review Procedures for the CDBG Program (CPD-21-81; FR-1027)	2506-AA05
910	24 CFR 510.52 Section 312 Rehabilitation Loan Program: Relocation/Displacement (CPD-4-85)	2506-AA65
911	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
912	24 CFR 511.32 Performance Adjustments to Formula Allocations-Rental Rehabilitation Program (CPD-14-84; FR-2055)	2506-AA60
913	24 CFR 570 Small Cities CDBG Program (CPD-35-81; FR-1502)	2506-AA06
914	24 CFR 570.402 Technical Assistance: Discretionary Awards (CPD-6-79; FR-1115)	2506-AA30
915	24 CFR 570.488 to 570.499 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
916	24 CFR 570, Subpart G Community Development Block Grants Urban Development Action Grants (CPD-14-83)	2506-AA40
917	24 CFR 570 Community Development Block Grant (CPD-6-84; FR-1895)	2506-AA47
918	24 CFR 571.302 CDBG Program for Indian Tribes and Alaskan Natives (CPD-11-84; FR-2000)	2506-AA33
919	24 CFR 571.101 Indian CDBG Program Assured Funding Process (CPD-4-84)	2506-AA50
920	24 CFR 571.607 Indian CDGB Program - Conflict of Interest Provisions (CPD-5-84; FR-2016)	2506-AA51
921	24 CFR 571.702 (b) Indian Community Development Block Grant Program: Revision to Corrective and Remedial Action (CPD-13-84)	2506-AA58
922	24 CFR 596 Enterprise Zones (CPD-11-83; FR-1913)	2506-AA45

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
923	24 CFR 51 Siting of HUD-Assisted Projects Near High Voltage Transmission Lines (CPD-3-85)	2506-AA61
924	24 CFR 51E Exposure to Radon Gas in New and Existing Residential Structures (CPD-2-85)	2506-AA62
925	24 CFR 51 Siting of HUD-Assisted Projects Near High Pressure Gas Transmission Lines (CPD-1-85)	2506-AA63
926	24 CFR 510 Section 312 Rehabilitation Loan Program (CPD-9-84; FR-1977)	2506-AA52
927	24 CFR 570.410 Special Projects Program (CPD-5-82; FR-1554)	2506-AA01
928	24 CFR 570.405 CDBG Secretary's Discretionary Fund: Insular Areas (CPD-6-83; FR-1822)	2506-AA32
929	24 CFR 570.703 Section 108 Loan Guarantee Assistance Fees (CPD-10-84; FR-1974)	2506-AA59
930	24 CFR 571.302 CDBG Program for Indian Tribes and Alaskan Natives (CPD-11-84; FR-2000)	2506-AA56
931	24 CFR 590 Urban Homesteading (CPD-41-81; FR-1624)	2506-AA20

Government National Mortgage Association—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
932	24 CFR 203 Book-Entry Securities of GNMA (GNMA-2-85)	2503-AA03
933	24 CFR 0390 Mortgage-Backed Securities - Revision to Date for First Monthly Payment to Principal and Interest (GNMA-1-85; FR-2135)	2503-AA04

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Office of Fair Housing and Equal Opportunity—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
934	24 CFR 8 Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities (FH&EO-4-84; FR-770)	2529-AA26
935	24 CFR 8 Nondiscrimination Based on Handicapped in Programs and Activities Conducted by HUD (FH&EO-2-85)	2529-AA28
936	24 CFR 105 Procedure for Processing Complaints under section 804 of the Fair Housing Act (FH&EO-6-84; FR-2012)	2529-AA24
937	24 CFR 114 Fair Housing-Property Insurance Activities (FH&EO-10-78)	2529-AA10
938	24 CFR 120 Amendments of the Community Housing Resource Board Regulations (FH&EO-1-85; FR-2085)	2529-AA27
939	24 CFR 135 Employment Training and Business Opportunities for Lower Income Persons in Connection with Assisted Projects (FH&EO-4-81)	2529-AA15
940	24 CFR 144 Implementation of Section 109 of the Housing and Community Development Act of 1974 (FH&EO-13-78; FR-1058)	2529-AA02
941	24 CFR 146 Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HUD (FH & EO-1-79; FR-1161)	2529-AA01

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
942	24 CFR 105 Procedures for Enforcement of Complaints Against Discriminatory Housing Practices (FH&EO-1-82)	2529-AA03
943	24 CFR 107 Nondiscrimination and Equal Opportunity Housing Under Executive Order 11063 (FH&EO-2-82; FR-2020)	2529-AA12
944	24 CFR 100 Affirmative Fair Housing, Marketing Technical Amendments (FH&EO-2-83; FR-1670)	2529-AA17
945	24 CFR 114 Fair Housing-Prohibitions Against Discrimination (FH&EO-5-78)	2529-AA08
946	24 CFR 125 Affirmative Administration of Federal Programs and Activities Relating to Housing and Urban Development (FH&EO-11-78)	2529-AA11

Office of Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
947	41 CFR 24 HUD Acquisition Regulation (ADM-2-84)	2535-AA06
948	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10
949	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01
950	24 CFR 17 Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of '82 (ADM-1-82; FR-1644)	2535-AA09
951	24 CFR 44 Cost Principles for Nonprofit Organizations (ADM-1-85; FR-2044)	2535-AA08
952	24 CFR 111 Audit Requirements for the Fair Housing Assistance Program and the Community Housing Resource Boards (ADM-4-85; FR-2140)	2535-AA11
953	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05
954	24 CFR 965 Transfer of Authority to Settle Contract Disputes Concerning the Consolidated Supply Program (ADM-2-85; FR-2087)	2535-AA07

Office of the Inspector General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
955	24 CFR 44 Implementation of the Single Audit Act of 1984 (IG-1-85; FR-2075)	2508-AA05

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Office of Public and Indian Housing—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
956	24 CFR 243 Pet Ownership in Assisted Rental Housing for the Elderly and Handicapped (P-43-84; FR-1936)	2577-AA05
957	24 CFR 965.303 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27
958	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-3-85; FR-2138)	2577-AA34
959	24 CFR 905 Indian Preferences (P-51-83; FR-1808)	2577-AA26
960	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
961	24 CFR 960 Low-Income Public Housing-Lease Requirements, Evictions and Hearings (P-26-79; FR-1164)	2577-AA18
962	24 CFR 960 Tenant Participation in Management of Public and Indian Housing Projects (P-1-85; FR-2033)	2577-AA30
963	24 CFR 969 Public Housing Program-Continued Operation of Projects as Lower-Income Housing After Completion of Debt Service (P-60-79; FR-1202)	2577-AA15
964	24 CFR 970 Public Housing Program-Demolition of Buildings or Disposition of Real Property (P-23-84; FR-1892)	2577-AA02
965	24 CFR 990 Modification to the Performance Funding System (P-2-84; FR-1834)	2577-AA00
966	24 CFR 990 Annual Contributions for Operating Subsidy - Performance Funding System (P-38-83; FR-1775)	2577-AA23
967	24 CFR 990 Disallowance of Legal Expenses for Suits against HUD in Calculation of Operating Subsidy (P-2-85; FR-2134)	2577-AA33

Office of Public and Indian Housing—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
968	24 CFR 905 Indian Housing (P-31-82)	2577-AA32

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
969	24 CFR 904 Low-Income Housing--Homeownership Opportunities Turnkey III Program (P-55-79; FR-563)	2577-AA19
970	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-7-83; FR-1695)	2577-AA25
971	24 CFR 941.204 Public Housing Development; Prototype Costs (P-64-84; FR 1975)	2577-AA13
972	24 CFR 990 Performance Funding System (PFS) Treasury Financial Communications System (TFCS) for Disbursing Operating Subsidy Payments (P-47-84)	2577-AA06
973	24 CFR 990 Annual Contributions for Operating Subsidy Performance Funding System-Energy Conservation Adjustments (P-26-83; FR-1747)	2577-AA24

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings

Office of the Secretary (HUDSEC)

748. ● STANDARDS OF CONDUCT (S-5-85; FR-2146)

Legal Authority: EO 11222; 18 USC 201 to 209

CFR Citation: 24 CFR 00

Abstract: This rule would revise and improve the Department's Standards of Conduct regulation. It would clarify the current rule and eliminate redundant and outdated material. In addition, it would conform the current rule to subsequently enacted statutes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: David D. White, Asst. General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the Secretary, Office of Equal Opportunity and Admin. Law, 202 755-7137

RIN: 2501-AA31

749. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS. IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Significance: Regulatory Program

Legal Authority: EO 11988; EO 11990; 42 USC 3535(d)

CFR Citation: 24 CFR 55, (New)

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban

Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders to specific HUD-assisted projects and through certain review procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Richard H.Brown, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA23

750. IMPLEMENTATION OF THE INTEREST PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-9-84; FR-2022)

Legal Authority: 42 USC 3535 (d); 31 USC 3711; 31 USC 3717

CFR Citation: 24 CFR 17; 24 CFR 200; 24 CFR 201; 24 CFR 203; 24 CFR 207; 24 CFR 202; 24 CFR 220; 24 CFR 232; 24 CFR 241; 24 CFR 250; 24 CFR 255

Abstract: This rule implements increased charges for late payments made to the government by debtors. Regulatory changes include the imposition of interest at a minimum Annual rate of interest on the outstanding debt which is equal to the average investment rate of the Treasury tax and loan accounts as determined by the Secretary of the Treasury; assessment of penalty charges of up to six percent for payments over 90 days late; and charges for the administrative costs of processing the late payment. The Department must issue a demand letter to the debtor which indicates when the payment is due and the date used to calculate the interest and penalty charges.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Samuel B. Rothman, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, Office of Program Enforcement, 202 755-7184

RIN: 2501-AA24

751. TAX REFUND DEDUCTION PROGRAM (S-2-85; FR 2092)

Significance: Agency Priority

Legal Authority: PL 98-369

CFR Citation: 24 CFR 17

Abstract: Section 2653 of the Deficit Reduction Act of 1984 provides for deductions from income tax refunds due to persons who owe a past due debt to a Federal agency. This rule establishes procedures to provide certain due process safeguards to the taxpayer-debtor.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	

Small Entity: No

Agency Contact: Shirley A. Evans, Director, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-6310

RIN: 2501-AA28

752. BOARD OF CONTRACT APPEALS RULES OF PROCEDURES (S-1-79; FR-1349)

Legal Authority: 41 USC 601

CFR Citation: 24 CFR 20

Abstract: Would revise the rules of procedure of HUD Board of Contract Appeals to implement statutory changes made by the Contract Disputes Act of 1978 and uniform rules issued by the Office of Federal Procurement Policy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/14/85	50 FR 24906
Final Action	12/00/85	

Small Entity: No

Agency Contact: David T. Anderson, Chairman, Department of Housing and Urban Development, Office of the Secretary, Board of Contract Appeals, Room 2158, 202 755-0132

RIN: 2501-AA04

753. SUSPENSION AND DEBARMENT (S-2-79; FR-1676)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Abstract: Would amend 24 CFR Part 24 to conform with Policy Letter 82-1, "Policy Guidance Concerning Government-wide Debarment, Suspension and Ineligibility" issued by the Office of General Procurement Policy, dated June 24, 1982. Additionally, it would clarify the criteria for imposing administrative sanctions on grantees and program participants other than procurement contractors, as well as to clarify the procedural safeguards afforded participants in suspension and debarment proceedings.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46072
NPRM Comment Period Begin	10/13/83	48 FR 46072
NPRM Comment Period End	12/12/83	

Next Action Undetermined

Small Entity: No

Agency Contact: Phillip L. Schulman, Asst Gen Coun for Insp Gen & Admn Proceedngs, Department of Housing and Urban Development, Office of the General Counsel, 202 755-5557

RIN: 2501-AA05

754. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)

Legal Authority: Executive Order to be issued

CFR Citation: 24 CFR 46

Abstract: On response to a Presidential Commission, an Interagency Task Force on the Protection of Human Subjects in Research has proposed that all Federal agencies adopt a common policy and uniform regulations for the protection of human subjects in research.

HUD has agreed to adopt the policy and to issue a regulation based on a model previously promulgated by the Department of Health and Human Services on this subject, and as embodied in the planned Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Compliance costs for HUD's adoption of the model regulation will be minimal, because almost all research conducted by HUD falls within categories exempted from the requirements of the model regulation. The infrequent projects that may not be exempt (perhaps one every two years) have in the past been proposed by organizations already subject to the Department of Health and Human Services regulation, and thus would not have any incremental compliance costs for the organization, other than the actual project requirements.

Costs would be slight.

Affected Sectors: Profit and Non-profit Research Organizations.

Levels of Government Affected: only HUD itself.

The Executive Order will be published for public comment and then promulgated with changes, if any, resulting from the public comment. Once the order is promulgated, agencies adopting the policy verbatim may move directly to the publishing of a final rule without a public comment process. HUD expects to follow this procedure.

Agency Contact: Arthur S. Newburg, Senior Advisor for Research Management, Department of Housing and Urban Development, Policy Development and Research, 202 755-8238

RIN: 2501-AA15

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755. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Abstract: This amendment to 24 CFR Part 50 will establish regulatory procedures for determining exemptions from environmental review. The existing rule will be updated to reflect current policy with respect to the environmental review of 203(b) subdivisions and subdivisions approved by other agencies. This amendment will also address other clarifications that may seem necessary.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Fred D. Regetz, Environmental Specialist, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA30

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756. POLICIES FOR THE REQUIREMENT TO MAINTAIN FLOOD INSURANCE: IMPLEMENTATION OF SECTIONS 102(A) AND 202(A) OF THE FLOOD DISASTER PROTECTION ACT (S-3-85)

Significance: Agency Priority

Legal Authority: PL 93-234

CFR Citation: 24 CFR 56, (New)

Abstract: This regulation specifies how HUD will conduct its programs so as to comply with Sections 102(a) and 202(a) of the Flood Disaster Protection Act of 1973 relating to the requirement to maintain flood insurance. The rule is designed to provide improved policy guidance in response to HUD Secretary's directive, OMB Circular No. A-123, and inquiries from HUD field offices and program users.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Agency Contact: Walter Prybyla, Dep. Director, Environmental Management Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA29

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757. ENVIRONMENTAL REVIEW PROCEDURES - RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAM (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Abstract: Implements Section 17(i) of the Housing and Urban-Rural Recovery Act of 1983 which makes the award and use of resources under the Housing Development Grant and Rental Rehabilitation Programs subject to the statutory provisions governing environmental review that apply to the Community Development Grant Programs. The rule also implements Section 17(i) by creating a special procedure for considering program effects on property that is included, or eligible to be included, on the National Register of Historic Places.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Final Action	12/00/85	

Small Entity: No

Additional Information: May be merged with FR-1027 (CPD-21-81) RIN-2506-AA05

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, 202 755-6611

RIN: 2501-AA25

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758. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41(b); 24 CFR 81.45(b)

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and repeal the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2501-AA10

759. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Significance: Regulatory Program

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to conform with statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains a more explicit description of the allocation formula; specifies that the formula is applicable only to funds the first time they are available for reservation; deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and eliminates the requirements for local consultation in the allocation process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: Includes: H-4-81, FR-1512, RIN-2502-AA73

Agency Contact: Robert J. Coyle, Housing Policy Analyst, Department of Housing and Urban Development, Office of Housing, Office of Policy Development, 202 426-0751

RIN: 2501-AA27

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Existing Regulations Under Review

Office of the Secretary (HUDSEC)

760. OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION: GENERAL FUNCTIONS AND ROLE IN THE DEPARTMENT'S PROCUREMENT PROCESS (S-8-84; FR-1894)

Legal Authority: 42 USC 3535(d)

CFR Citation: Not yet determined

Abstract: The Department is considering amending its regulations on the role of the Office of Small and Disadvantaged Business Utilization (OSDBU) in the procurement process. The 1978 Amendments to the Small Business Act of 1958 identify responsibilities of the OSDBU to establish goals for the participation by small business concerns and small business concerns controlled by socially and economically disadvantaged individuals in HUD procurement.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Casey Mann, II, Special Assistant, Department of Housing and Urban Development, Office of the Secretary, Office of Small & Disadvantaged Business, Utilization, 202 755-3630

RIN: 2501-AA22

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Completed Actions

Office of the Secretary (HUDSEC)

COMPLETED RULEMAKINGS

761. ALLOCATION OF FUNDS AND MISCELLANEOUS CHANGES FOR THE SOLAR ENERGY AND ENERGY CONSERVATION BANK (S-1-85; FR-2051)

Significance: Agency Priority

CFR Citation: 24 CFR 1800

Completed:

Reason	Date	FR Cite
Final Action	06/14/85	50 FR 25010
Final Action Effective	07/23/85	50 FR 25010

Small Entity: Undetermined

Agency Contact: Dr. Richard Francis 202 755-7166

RIN: 2501-AA32

[FR Doc. 85-21497 Filed 10-28-85; 8:45 am]
BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings

Office of Housing (OH)

762. ● SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - HOUSING VOUCHERS (H-42-85)

Legal Authority: 42 USC 3535(d)

CFR Citation: Not yet determined

Abstract: The Department has proposed legislation to make the Housing Vouchers Demonstration Program a permanent housing assistance payment program. If such legislation is adopted, the Department will publish a rule consistent with the Housing Voucher notice of Funding Availability published as May 8, 1985. The Housing Voucher Program would become a major vehicle for future funding of assistance payments under section 8 of the U.S. Housing Act of 1937. Housing Vouchers are cost-effective and provide a wider choice of housing to the assisted family.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6883

RIN: 2502-AD26

763. DISCLOSURE OF FINANCIAL INFORMATION TO MORTGAGE PURCHASERS (H-78-84; FR-2014)

Significance: Agency Priority

Legal Authority: 42 USC 3535(i)(3); 12 USC 1713(k),(l)

CFR Citation: 24 CFR 15

Abstract: This rule would permit the department to disclose profit and loss information to potential purchasers of HUD-held mortgages to facilitate mortgage sales. It is necessary to validate the release of this information under the Trade Secrets Act, 18 USC 1905.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Audrey Hinton, Chief, Mortgage Sales Branch, Department of Housing and Urban Development, Office of Housing, 202 755-9280

RIN: 2502-AC65

764. LEAD BASED PAINT POISONING PREVENTION (H-81-82; FR-1748)

Significance: Regulatory Program

Legal Authority: 42 USC 4801

CFR Citation: 24 CFR 35

Abstract: Would develop regulations consistent with the Lead-Based Paint Poisoning Prevention Act. Alternatives to address the problem are being developed at this time. The potential cost is estimated to exceed $100 million per year. This action would benefit children susceptible to lead-based paint poisoning and would avoid cost of medical treatment and reduce the occurrence of mental retardation traced to lead-base paint.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19210
ANPRM Comment Period Begin	05/04/84	49 FR 19210
ANPRM Comment Period End	07/03/84	
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Grant E. Mitchell, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Fiscal Management and Energy Division, 202 755-6550

RIN: 2502-AA06

765. FLOOD INSURANCE REQUIREMENTS FOR MORTGAGE INSURANCE AND GRANT PROGRAM (CPD-74-84; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving mortgage insurance and housing assistance grants.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6611

RIN: 2502-AC76

766. USE OF MATERIALS BULLETIN NO. 38I - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR THE GRADEMARKING OF LUMBER (H-104-82; FR-2109)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.929

Abstract: Would promulgate HUD Use of Materials Bulletin No. 38i (UM 38i). UM 38i is a revision of existing UM which references appropriate consensus standards and contains procedures for accepting and listing agencies which grademark lumber, as well as the grademarking of lumber.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	50 FR 35259
Final Action	01/00/86	

Small Entity: No

Agency Contact: Jerome Tobias, Structural Engineer, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5929

RIN: 2502-AA66

767. USE OF MATERIALS BULLETIN NO. 86 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR EPDM ROOFING (H-106-82)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935

Abstract: Would promulgate HUD Use of Materials Bulletin No. 86 (UM 86). UM 86 accepts recently published product standards for EPDM roofing membrane. In addition, it would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Tsou-Liang Tang, Structural Engineer, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5929

RIN: 2502-AA68

768. SUPPLEMENT TO MINIMUM PROPERTY STANDARDS FOR SOLAR HEATING AND DOMESTIC HOT WATER SYSTEMS (H-6-80; FR-1320)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200

Abstract: Updates obsolete references in MPS 4930.2 and reflects current changes in solar heating.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mark Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5924

RIN: 2502-AA99

769. USE OF MATERIAL BULLETIN NO. 78A, PLASTIC SUPPLY PIPING FOR DOMESTIC COLD WATER (H-33-79; FR-1154)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.929

Abstract: UM 78 originally outlined the requirements and conditions for HUD field office acceptance of a number of plastic piping materials for use in domestic water service, (from water main to house), and included references covering polybutylene piping (PB). UM 78 identified national standard references for plastic piping which is normally used in residential construction for domestic cold water service. This revision will update references to industry standards and combine UM 78 and UM 76, "CPCV and PB Plastic Hot and Cold Water Distribution."

Timetable:

Action	Date	FR Cite
NPRM	09/03/80	45 FR 58374
NPRM	11/00/85	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Department of Housing and Urban Development, Office of Housing, Technical Support Branch, 202 755-5718

RIN: 2502-AB05

770. APPLICABILITY OF MINIMUM PROPERTY STANDARDS MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT (H-82-82; FR 1578)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 200.925; 24 CFR 203.43f

Abstract: Would insure financing of properties with manufactured homes under Title II of the National Housing Act, as a means to broaden affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD-insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AB24

771. MINIMUM PROPERTY STANDARDS FOR CARE-TYPE HOUSING -- MPS (H-39-83; FR-1776)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200

Abstract: Would eliminate the current Minimum Property Standards (MPS) for Care-Type Housing and revise the current MPS for Multifamily Housing to include Care-Type Housing. By doing this, marketability and livability criteria would be deleted to the same extent as they were deleted from multifamily housing. This would also adopt by reference, nationally recognized model building codes or State or local codes, if acceptable, to provide health and safety criteria.

Timetable:

Action	Date	FR Cite
NPRM	02/15/85	50 FR 6359
NPRM Comment Period Begin	02/15/85	50 FR 6359
NPRM Comment Period End	04/16/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Mark Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5924

RIN: 2502-AB86

772. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (H-26-82; FR-1588)

Significance: Regulatory Program

Legal Authority: 42 USC 1436a; 42 USC 3535(d)

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 812; 24 CFR 912

Abstract: Amends Parts 200, 215, 235, 236, 812 and 912 and related parts to implement section 214 of the Housing and Community Development Act of 1980, as amended by section 329 of the Housing and Community Development Amendments of 1981. The Act prohibits the Secretary from making financial assistance under the United States Housing Act of 1937, and sections 235 and 236 of the National Housing Development Act of 1965 available for the benefit of any alien who is not a lawful resident of the United States under certain provisions of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC13

773. USE OF MATERIALS BULLETIN (UM) NO. 44D-HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR CARPET AND ATTACHED CUSHION (H-85-84)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935; 24 CFR 200.944

Abstract: Would promulgate HUD Use of Materials Bulletin (UM) No. 44d, which is a revision of existing UM 44c, and accepts national industry consensus standards for manufacture, sampling, testing, and acceptance of carpet and carpet with attached cushion. In addition, it would provide for a certification and labeling program for carpet to be acceptable under HUD programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Department of Housing and Urban Development, Office of Housing, Technical Support Branch, 202 755-5718

RIN: 2502-AC71

774. USE OF MATERIALS BULLETIN (UM) NO. 52B - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR WOOD FLUSH DOORS (H-83-84; FR-2115)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935; 24 CFR 200.952

Abstract: Would promulgate HUD Use of Materials Bulletin (UM) No. 52b, which is a revision of an existing UM for Wood Flush Doors. UM52b references a revised industry consensus standard that covers the manufacture, testing, and a certification and labeling of such products. In addition, it establishes a certification and labeling program for doors to be acceptable under HUD program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Department of Housing and Urban Development, Office of Housing, Technical Support Branch, 202 755-5718

RIN: 2502-AC78

775. USE OF MATERIALS BULLETIN NO. 48A - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR PRESSURE TREATED LUMBER AND PLYWOOD (H-17-85)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200

Abstract: This bulletin would revise an existing bulletin covering pressure treated lumber and plywood for use above ground, at ground contact and for ground contact foundations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AC98

776. USE OF MATERIALS BULLETIN NO. 71 - POLYSTYRENE FOAM BOARD (H-20-85)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Abstract: This rule would establish standards for Polystyrene Foam Board approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AD00

777. USE OF MATERIALS BULLETIN NO. 40C - GRADEMARKING OF PLYWOOD (H-21-85)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Abstract: This rule would establish standards for Grademarking of Plywood approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AD01

778. USE OF MATERIALS BULLETIN NO. 88 - MAT FORMED PARTICLEBOARD (H-22-85)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Abstract: This rule would establish standards for mat formed particleboard approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AD02

779. PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOAN PROGRAM DEREGULATION AMENDMENTS (H-57-81; FR-1656)

Significance: Regulatory Program

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Abstract: Would amend and revise Part 201 in accordance with the Department's deregulation efforts. Would reduce the regulations by approximately twenty-five percent and clarify the remaining. The revisions also would include amendments that address findings of OIG audits of the programs.

Timetable:

Action	Date	FR Cite
NPRM	07/05/84	49 FR 27553
NPRM Comment Period Begin	07/06/84	49 FR 27553
NPRM Comment Period End	08/20/84	
Final Action	10/00/85	

Small Entity: No

Additional Information: Includes: H-90-82, H-91-82, H-92-82.

Agency Contact: Christopher Peterson, Director, Department of Housing and Urban Development, Office of Housing, Title I Insurance Division, 202 755-5210

RIN: 2502–AA93

780. ELIGIBILITY OF MORTGAGES INVOLVING A DWELLING UNIT IN A COOPERATIVE HOUSING DEVELOPMENT (H-93-82; FR-1742)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203.43c; 24 CFR 203.437

Abstract: Would relax some restrictions which have unnecessarily inhibited activity under the program. The rule would delete the requirement that corporations waive the right of first refusal and it would eliminate the limitation of the mortgage term on an individual share to the term remaining on the blanket mortgage. The 1983 statute extends the availability of mortgage insurance in existing conventionally financed cooperatives provided construction has been completed one year. The statute removed the requirement that the cooperative have an insured blanket mortgage.

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40188
NPRM Comment Period Begin	10/15/84	49 FR 40188
NPRM Comment Period End	12/14/84	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502–AA61

781. MORTGAGE INSURANCE FOR ONE-TO-FOUR-FAMILY RESIDENCES--ADJUSTMENT FOR DAMAGES OR NEGLECT (H-19-79; FR-837)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: Allows conveyance or assignment of fire damaged property when the fire insurance policy has been terminated (or renewal refused) and the mortgagee has been unable to obtain adequate insurance to protect its investment.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Richard Buchheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, 202 755-6672

RIN: 2502–AB03

782. MORTGAGEE APPROVAL - ELIGIBILITY REQUIREMENTS (H-64-78; FR-903)

Legal Authority: 12 USC 1709; 12 USC 1713; 12 USC 1715

CFR Citation: 24 CFR 203; 24 CFR 207; 24 CFR 211

Abstract: Amends Part 203 to simplify and reorganize mortgage approval requirements.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Andrew Zirneklis, Mortgagee Review Board Officer, Department of Housing and Urban Development, Office of Housing, Office of Lender Activities and Land Sales Registration, 202 755-6924

RIN: 2502–AB12

783. VETERAN QUALIFICATIONS--ELIGIBILITY REQUIREMENTS FOR MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS (H-47-83; FR-1801)

Legal Authority: 12 USC 1709; 12 USC 1715b; 12 USC 3535(d)

CFR Citation: 24 CFR 203.18

Abstract: Rule proposes to eliminate the requirement that a veteran submit a Certificate of Veteran Status from the Veterans Administration in order to establish eligibility for special loan terms for veterans. The proposed change would permit a veteran to certify that he or she qualifies as a veteran and would require the veteran to submit only a copy of his or her discharge papers. This change would expedite the processing of FHA mortgage insurance for veterans and eliminate the fee charged by the Veterans Administration for issuance of a Certificate of Veteran Status.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502–AB89

784. MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS; ELIMINATION OF RESTRICTIONS ON CONTIGUOUS PROPERTIES APPLICABLE TO INVESTOR MORTGAGORS (H-1-84; FR-1831)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203.42(a)

Abstract: This proposed rule would amend 24 CFR 203.42(a). The current rule prohibits the insuring of a mortgage on property on which there is a dwelling to be rented by a mortgagor, if

the property is part of, or contiguous to, a subdivision or group of similar properties and if the mortgagor has a financial interest in eight or more of the contiguous properties. This rulemaking would modify this rental property mortgage restriction, thereby enabling investors to more freely apply for FHA mortgage insurance to purchase one-to-four family rental units.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Housing Division, 202 755-6720

RIN: 2502-AC17

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785. ONE-TIME MORTGAGE INSURANCE PREMIUM FOR NON-MUTUAL FUND-SINGLE FAMILY INSURANCE PROGRAM (H-40-84; FR-1930)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 226; 24 CFR 227; 24 CFR 234

Abstract: Rule under consideration by the Department to extend the one-time mortgage insurance premium provision for single-family mortgages to funds other than the Mutual Mortgage Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James B. Mitchell, Director, Department of Housing and Urban Development, Office of Housing, Financial Policy Division, 202 426-4325

RIN: 2502-AC35

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786. SINGLE FAMILY MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS (H-39-84; FR-1928)

Significance: Agency Priority

Legal Authority: PL 98-181; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: Regulation to provide mortgage insurance for certain property located within Hawaiian homelands.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Alan Kappeler, Director, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, 202 755-3046

RIN: 2502-AC36

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787. PAYMENT OF CLAIMS WITHOUT ACQUISITION OF TITLE (H-38-84; FR-1927)

Significance: Regulatory Program

Legal Authority: 12 USC 1710; PL 98-181

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 204; 24 CFR 220; 24 CFR 228

Abstract: Would authorize the Secretary to pay insurance claims without acquiring title to the property where (1) foreclosure sale produces price equal to property's fair market value (less appropriate adjustments for acceptable costs) and (2) insurance claim is assigned to the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	01/10/85	50 FR 1233
NPRM Comment Period Begin	01/10/85	50 FR 1233
NPRM Comment Period End	03/11/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Alan Kappeler, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, 202 755-3046

RIN: 2502-AC37

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788. SINGLE FAMILY MORTGAGE INSURANCE - INDIAN RESERVATIONS (H-36-84; FR-1921)

Legal Authority: PL 98-181; 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 234

Abstract: Regulation to provide mortgage insurance on Indian reservations.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41212
NPRM Comment Period Begin	12/20/84	49 FR 41212
NPRM Comment Period End	02/18/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC39

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789. INSURANCE OF SINGLE FAMILY SHARED APPRECIATION MORTGAGES (H-33-84; FR-1917)

Significance: Regulatory Program

Legal Authority: 42 USC 1715z

CFR Citation: 24 CFR 203; 24 CFR 234

Abstract: HUD proposes regulations governing the insurance of mortgages, the terms of which permit the lender to share in the net appreciated value of the mortgaged property at the time of its sale.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-6720

RIN: 2502-AC42

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790. INSURANCE OF SINGLE FAMILY ADJUSTABLE RATE MORTGAGES (H-32-84; FR-1916)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z

CFR Citation: 24 CFR 203; 24 CFR 221; 24 CFR 234

Abstract: HUD will propose regulations governing the insuring of mortgages, the terms of which permit adjustments to a mortgagor's payments based on changes in an interest rate index.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/84	49 FR 23580
Interim Rule Effective	07/30/84	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-6720

RIN: 2502-AC43

791. INSURANCE OF SINGLE FAMILY INDEXED MORTGAGES (H-31-84; FR-1915)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-10

CFR Citation: 24 CFR 203; 24 CFR 234

Abstract: HUD will propose regulations governing the insuring of a mortgage, the terms of which permit for adjustments to the principal balance of the loan, and mortgagee payments based upon periodic changes in a price index.

Timetable:

Action	Date	FR Cite
NPRM	06/04/84	49 FR 23063
NPRM Comment Period Begin	06/04/84	49 FR 23063
NPRM Comment Period End	08/03/84	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-6720

RIN: 2502-AC44

792. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at which time, the mortgagee is expected to produce all the supporting receipts, payment ledger records, etc.

We plan to change the regulations to specify the retention period and file contents for records supporting single family claim payments and mortgage reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Yes

Agency Contact: S.A. Evans, Director, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-6310

RIN: 2502-AC50

793. LIMIT ON CLAIM COST (H-82-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: Due to the costs of processing single family to both HUD and the mortgagee, we propose a regulation change which will set a limit of $50 or less on the amount of refund HUD will expect from the mortgagee; and the amount of claim the mortgagee will file with HUD.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Richard Buchheit, Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-8680

RIN: 2502-AC52

794. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: The new single family process provides for "random audits" of mortgagees' records which file S/F claims with HUD for insurance benefits. During the audit, the mortgagee will be required to provide specific supporting documentation. When the mortgagee cannot produce the required documentation, HUD will penalize the mortgagee for the amount not supported plus the current interest rate on that unsupported amount from the date of payment.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: S.A. Evans, Director, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-6310

RIN: 2502-AC54

795. USE OF COMMITMENT CORRESPONDENTS IN CONNECTION WITH FHA MORTGAGE INSURANCE (H-60-84;FR-1954)

Significance: Regulatory Program

Legal Authority: 12 USC 1709(a)

CFR Citation: 24 CFR 200; 24 CFR 203

Abstract: This proposed rule would create a new category of approved program participants to be known as commitment correspondents in the FHA single family mortgage insurance programs. Commitment correspondents would be authorized, on behalf of approved mortgagees, to accept and process FHA loan applications, obtain commitments from HUD, and assign these commitments to approved mortgagees.

Timetable:

Action	Date	FR Cite
NPRM	05/02/85	50 FR 18680
NPRM Comment Period Begin	05/02/85	50 FR 18680
NPRM Comment Period End	07/01/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, 202 755-6720

RIN: 2502-AC66

796. REFINANCING OF FHA SINGLE FAMILY LOANS-TECHNICAL REVISIONS (H-66-84; FR-1979)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: The proposed rule would make various technical revisions to provisions in 24 CFR Part 203 relating to FHA insurance in connection with the refinancing of single family housing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, 202 755-6720

RIN: 2502-AC80

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797. FHA MORTGAGE INSURANCE ON INDIAN LAND WHERE THE TRIBE IS THE MORTGAGOR (H-8-85; FR-2059)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: Regulation to provide mortgage insurance on Indian reservations where there is a problem with marketability of title and where the tribe is mortgagor.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC81

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798. CONVEYANCE OF OCCUPIED PROPERTIES TO HUD (H-9-85; FR-2064)

Significance: Regulatory Program

Legal Authority: 12 USC 1709; 12 USC 1710; 12 USC 1715l(d)(2)

CFR Citation: 24 CFR 203

Abstract: This proposed rule would amend the current rule on occupied conveyances of HUD-acquired properties. Included in this proposed rule are revised criteria for determining when HUD will accept conveyance of a one-to-four-family property by a mortgagee when there are tenants of a former mortgagor in occupancy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Alan J. Kappeler, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Property Disposition Division, 202 755-5740

RIN: 2502-AC86

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799. HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR Ch II

Abstract: Proposed regulation to protect HUD against claims brought under the Federal Tort Claims Act, which claim negligent HUD inspection of FHA-insured properties.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC92

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800. ● DEFICIENCY JUDGEMENTS - SINGLE FAMILY MORTGAGES (H-95-82; FR-1717)

Significance: Agency Priority

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 203

Abstract: This rule would require HUD-approved mortgagees to obtain deficiency judgements under applicable State law as a condition to receiving mortgage insurance benefits on a HUD-insured, single family mortgage.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Richard Buchheit, Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-6772

RIN: 2502-AD25

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801. ● RELATION OF INCOME TO MORTGAGE PAYMENTS (H-35-85; FR-2117)

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203.33

Abstract: To be more consistent with the underwriting practices of conventional mortgage lenders, this rule would substitute gross income for net income for purposes of HUD's determinations on the adequacy and stability of a mortgagor's income for FHA mortgage insurance. In addition, this rule would make appropriate adjustments to percentages of gross income to housing expense and other recurring changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Alan J. Kappeler, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-3046

RIN: 2502-AD30

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802. ● TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP), AND ASSIGNMENTS TO HOUSING AND URBAN DEVELOPMENT (H-44-85; FR-2147)

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Abstract: Amendments to TMAP and Assignment rule in light of statutory changes, the District Court holdings in FERRELL, and policy developments. Because of the number of changes in the rule, it is to be published as a proposed rule. This rule was identified in earlier Agendas as RIN 2502-AB79 (H-29-81; FR1415).

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Richard B. Buchheit, Department of Housing and Urban Development, Office of Housing, Office of Insured Housing, 202 755-6672

RIN: 2502-AD34

803. COINSURANCE PROGRAM (H-28-80; FR-1094)

Significance: Regulatory Program

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 204

Abstract: Would revise the single family coinsurance requirements to adopt a recently proposed rule and to incorporate certain public comments received in response to that proposal. This revision: (1) extends coverage to include mortgages on condominiums and non-occupant owner transactions; (2) replaces the stop-loss provision with a hold-harmless provision intended to protect the secondary market against failure of lenders to pass through insurance benefits paid by HUD; (3) clarifies and simplifies various requirements in light of several years' experience with the program; and (4) permits coinsuring mortgagees to obtain mortgage insurance to cover the risk of their 10 percent exposure. Includes H-59-81.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/85	

Small Entity: No

Additional Information: Includes: H-59-81.

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AB01

804. MULTIFAMILY MORTGAGE INSURANCE (H-96-82)

Legal Authority: 12 USC 1715z-6; 12 USC 1752-9; 12 USC 1715l; 12 USC 1715z-7

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 242; 24 CFR 244

Abstract: Would amend mortgage insurance regulations to require payment of fees for rehabilitation feasibility processing and for reprocessing of outstanding commitments after appropriate extensions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AA63

805. MORTGAGE INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT (H-48-81; FR-1525)

Legal Authority: 12 USC 1713; 12 USC 1715

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 242; 24 CFR 244

Abstract: Would amend Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244 to allow up to a 20% increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AA90

806. COOPERATIVE HOUSING MORTGAGE INSURANCE SUBORDINATED SECRETARY-HELD MORTGAGES (H-33-83; FR-1756)

Significance: Agency Priority

Legal Authority: 12 USC 1713; 12 USC 1715e

CFR Citation: 24 CFR 207; 24 CFR 213

Abstract: The rule will permit unsubsidized multifamily rental housing projects with Secretary-held mortgages to be converted to cooperatives by subordinating the Secretary-held mortgage to a new first mortgage. The rule would benefit tenants by giving them the opportunity for cooperative homeownership at a lower cost. The government would benefit by sharing half of the equity appreciation received by the project owner in selling the project to a Cooperative.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AB97

807. LIMITATION ON PREPAYMENT FOR BOND FINANCED PROJECTS (H-54-83; FR-1819)

Legal Authority: 12 USC 1170

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 241

Abstract: This rule will make the cited sections consistent with Section 221 which already contains this provision. The prepayment limitation to the mortgage insurance regulations was added due to the increased use of tax-exempt bonds as a financing mechanism. Bond purchases typically demand a ten-year period during which the bonds cannot be called except in extraordinary circumstances such as an FHA insurance claim.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 25995
NPRM Comment Period Begin	06/24/85	50 FR 25995
NPRM Comment Period End	08/23/85	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AC01

808. MULTIFAMILY HOUSING MORTGAGE INSURANCE - ASSIGNMENT OF INSURED MORTGAGES (H-35-83; FR-1768)

Legal Authority: 12 USC 1713; 43 USC 3535(d)

CFR Citation: 24 CFR 207.261

Abstract: The proposed rule would amend 24 CFR 207.261 to permit a mortgagee to sell or syndicate the entire or any portion of its beneficial interest in an insured multifamily mortgage or pool of multifamily mortgages without prior HUD consent if certain conditions are met. These conditions would maintain the rights, benefits, and obligations of all parties potentially affected by an assignment of insured mortgages.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39688
NPRM Comment Period Begin	10/11/84	49 FR 39688
NPRM Comment Period End	12/10/84	
Final Action	01/00/86	

Small Entity: No

Agency Contact: James T. Tahash, Director, Program Planning Div., Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC14

809. CHANGE IN DEFAULT NOTICE REPORTING PERIOD - MULTIFAMILY INSURANCE (H-4-84; FR-1842)

Legal Authority: 42 USC 3535(d); 12 USC 1713

CFR Citation: 24 CFR 207.256

Abstract: The Department proposes to amend its default notification regulation to move up the date upon which a mortgagee must notify HUD of a mortgagor's non-payment.

Timetable:

Action	Date	FR Cite
NPRM	08/09/85	50 FR 32233
NPRM Comment Period Begin	08/09/85	50 FR 32233
NPRM Comment Period End	10/08/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: James Tahash, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AC18

810. MULTIFAMILY MORTGAGE INSURANCE PROGRAMS; REQUIREMENT OF INCREASED EQUITY LIMITED RECOURSE OR SPECIAL ESCROW (H-15-84; FR-1871)

Significance: Regulatory Program

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 207.4; 24 CFR 207.19; 24 CFR 220.507; 24 CFR 220.508; 24 CFR 221.514; 24 CFR 221.515; 24 CFR 221.531; 24 CFR 221.532; 24 CFR 231.3; 24 CFR 231.4; 24 CFR 232.30; 24 CFR 232.32; 24 CFR 232.61

Abstract: This rule limits profit-motivated and limited dividend multifamily mortgagors to mortgages of 85 percent of value or replacement cost except where the mortgagor agrees either to accept limited personal liability for loan repayment or to establish an up-front rent-up escrow.

Timetable:

Action	Date	FR Cite
NPRM	09/20/84	49 FR 36871
NPRM Comment Period Begin	09/20/84	49 FR 36871
NPRM Comment Period End	11/19/84	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AC19

811. DEREGULATION OF RENTS (H-28-84; FR-1905)

Significance: Agency Priority

Legal Authority: PL 98-181

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221

Abstract: This proposed rule would implement a recent statutory amendment granting the Secretary discretion to regulate rents, among other things, in unsubsidized multifamily projects with mortgages insured pursuant to section 207 of the National Housing Act after 11/30/83. Before this amendment, the statute mandated that the Secretary regulate rents in those projects. The rule also adds an alternative method of determining rents in projects insured before 11/30/83 under sections 207, 220 and 221.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39690
NPRM Comment Period Begin	10/11/84	49 FR 39690
NPRM Comment Period End	12/10/84	
Final Action	11/00/85	

Small Entity: No

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, 202 426-3944

RIN: 2502-AC21

812. INSURANCE OF MULTIFAMILY GRADUATED PAYMENT MORTGAGES (H-16-84; FR-1872)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-10

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 231

Abstract: These Amendments would permit the Department to insure graduated payment mortgages - loans that provide for rates of amortization corresponding to anticipated increases in project income.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41068
NPRM Comment Period Begin	10/19/84	49 FR 41068
NPRM Comment Period End	12/18/84	
Final Action	00/00/00	

Small Entity: No

Additional Information: These rules may be published separately.

Agency Contact: Joseph Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., **202 755-6223**

RIN: 2502-AC27

813. INSURANCE OF MULTIFAMILY SHARED APPLICATION MORTGAGES (H-41-84; FR-1934)

Significance: Regulatory Program

Legal Authority: 42 USC 1715z

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 231

Abstract: Regulation will govern the insuring of mortgages, the terms of which permit the lender to share in the net appreciated value of the mortgaged project at the time of its sale.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., **202 755-6223**

RIN: 2502-AC34

814. INSURANCE OF MULTIFAMILY PARTIALLY AMORTIZED MORTGAGES (H-34-84; FR-1918)

Significance: Regulatory Program

Legal Authority: 42 USC 1715z

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 231

Abstract: Regulations governing the Department's insuring of mortgages, the terms of which do not require full amortization of the loan over the mortgage term.

Timetable:

Action	Date	FR Cite
NPRM	10/30/84	49 FR 43561
NPRM Comment Period Begin	11/01/84	49 FR 43561
NPRM Comment Period End	12/31/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, **202 755-6223**

RIN: 2502-AC41

815. LIMITATION ON PREPAYMENT OF MORTGAGES OR MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Legal Authority: PL 98-181

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886

Abstract: Rule will restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning, Office of Multifamily Housing Management, **202 755-3970**

RIN: 2502-AC49

816. REMOVAL OF REFINANCING LIMITATIONS (H-2-85; FR-2028)

Legal Authority: 12 USC 1715k; 12 USC 1715l; 12 USC 3535(d)

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 242; 24 CFR 244

Abstract: This rule would revise certain financing limitations imposed on the rehabilitation of property where the mortgage covering such property is to be insured under one of the programs set out in Title II of the National Housing Act.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, **202 755-5720**

RIN: 2502-AC89

817. ● REVISION OF MAXIMUM INSURABLE MORTGAGE AMOUNT IN MULTIFAMILY REFINANCINGS UNDER SECTION 223(F) (H-38-85; FR-2126)

Legal Authority: 12 USC 1713; 12 USC 1715z(9)

CFR Citation: 24 CFR 207.32a; 24 CFR 255.203

Abstract: This rule proposes to substitute for existing limits on insurable mortgage amounts in connection with the refinancing of existing multifamily housing projects, a new limit which will be lesser of (1) 85 percent of value or (2) where the property was purchased within 48 months of the refinancing transaction, the following percentages of the original cost of acquisition of the property - 85 percent where property purchased within 12 months, 90 percent if purchased within 24-36 months and 100 percent if purchased within 36 to 48 months.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., **202 755-6500**

RIN: 2502-AD31

818. PREFERENCES FOR PERSONS DISPLACED AND LIVING IN SUBSTANDARD HOUSING (H-22-80; FR-1597)

Significance: Regulatory Program

Legal Authority: 12 USC 1701s; 42 USC 1437d; 42 USC 1437f

CFR Citation: 24 CFR 215; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24

CFR 884; 24 CFR 886; 24 CFR 904; 24 CFR 905; 24 CFR 960

Abstract: Would establish preferences in the Section 8 and Rent Supplement programs for those "living in substandard housing", and for those who are "involuntarily displaced". Would also establish the new statutory preference for those paying more than 50 percent of their income for rent.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37787
NPRM Comment Period Begin	09/27/84	49 FR 37787
NPRM Comment Period End	11/26/84	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Margaret Milner, Program Analyst, Department of Housing and Urban Development, Office of Housing, Office of Policy Development, 202 755-6454

RIN: 2502-AA34

819. DEFINITION OF INCOME RENTS AND REEXAMINATION OF FAMILY INCOME FOR THE RENT SUPPLEMENT AND SECTION 236 PROGRAMS (H-140-82, H-141-82; FR-1702)

Significance: Agency Priority

Legal Authority: 12 USC 1701s; 12 USC 1715b; 12 USC 1715z-1; 42 USC 3535(d)

CFR Citation: 24 CFR 215; 24 CFR 236

Abstract: This rule will implement recent statutory changes affecting the definition of income for purposes of eligibility and rent determination as well as rent requirements and reexamination of income under the Rent Supplement and Section 236 Programs. It adopts definitions and procedures similar to those adopted for the Section 8 and Public and Indian Housing Programs under related statutory amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/23/84	49 FR 29580
Interim Rule Effective	10/01/84	49 FR 29580
Final Action	11/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC05

820. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b)(3); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to projects owned by state housing agencies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC73

821. FLEXIBLE SUBSIDY PROGRAM (H-48-82)

Legal Authority: 12 USC 1715j; PL 95-551

CFR Citation: 24 CFR 219

Abstract: Would establish a flexible subsidy loan program for certain limited dividend projects for the correction of physical and cash flow deficiencies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Includes: H-64-82.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AA53

822. FLEXIBLE SUBSIDY PROGRAM; 1983 AMENDMENTS (H-50-84)

Legal Authority: PL 98-181

CFR Citation: 24 CFR 219

Abstract: Implements section 217 of the Housing and Urban Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: David R. Cooper, Acting, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Multifamily Mortgage Insurance, 202 755-7090

RIN: 2502-AC31

823. INTEREST RATES FOR FIRE SAFETY EQUIPMENT IN NURSING HOMES TO BE SET BY FR NOTICE (H-10-85; FR-2065)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 232

Abstract: This final rule would interpret Section 104(b) of the Housing and Community Development Technical Amendments of 1984, to authorize the Department's publishing of interest rates for fire safety equipment in nursing homes to be set by Federal Register Notice.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Michael Phillips, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2502-AC85

824. CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE-1983 ACT AMENDMENTS (H-71-84; FR-1999)

Legal Authority: 12 USC 1715y

CFR Citation: 24 CFR 234

Abstract: This rule will revise the requirements for condominium mortgage insurance.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Additional Information: Includes: FR-1388

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6270

RIN: 2502-AC79

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825. AMENDMENTS TO THE SECTION 235 PROGRAM (H-3-85; FR-2037)

Legal Authority: PL 98-181, Sec 226; 42 USC 3535(d)

CFR Citation: 24 CFR 235

Abstract: A regulation to codify program changes in the section 235 program required by section 226 of the Housing and Urban-Rural Recovery Act of 1983 and the 1984 Supplemental Appropriations Act (Pub. L. 98-396). The regulation may include other changes to existing regulations as well as those specifically required by the cited legislation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC93

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826. MAXIMUM MORTGAGE AMOUNTS FOR HOSPITALS (H-72-84; FR-2004)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-7

CFR Citation: 24 CFR 241; 24 CFR 242

Abstract: Proposed rule to require greater equity contribution for insurance of mortgages related to projects that have estimated replacement costs greater than $100 million.

Timetable:

Action	Date	FR Cite
NPRM	10/12/84	49 FR 40044
NPRM Comment Period Begin	10/12/84	49 FR 40044
NPRM Comment Period End	12/11/84	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Insured Multifamily Housing Development, 202 755-6500

RIN: 2502-AC64

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827. REFINANCING OF HOSPITAL MORTGAGES (H-50-83; FR-1806)

Legal Authority: 12 USC 1715z-7; 12 USC 1715n; 42 USC 3535(d)

CFR Citation: 24 CFR 242

Abstract: Hospitals have been eligible for mortgage insurance under Section 242 of the National Housing Act since 1968. If appropriate regulations are published, hospitals previously insured under Section 242 could refinance their mortgages up to the original amount of the mortgage provided there was no increase in the debt service. This provision would be of particular assistance to hospitals which were insured at a high interest rate and could reduce their debt service by refinancing at a lower rate.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 25998
NPRM Comment Period Begin	06/24/85	50 FR 25998
NPRM Comment Period End	08/23/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: Includes: H-68-83

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., 202 755-6223

RIN: 2502-AC15

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828. MORTGAGE INSURANCE REQUIREMENTS FOR PRIVATE AND PUBLIC HOSPITALS (H-69-84, FR-1992)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-7

CFR Citation: 24 CFR 242

Abstract: Proposed rule prescribes requirements governing insurance of mortgages for public hospitals, and includes new eligibility provisions for tax supported hospitals.

Timetable:

Action	Date	FR Cite
NPRM	10/12/84	49 FR 40047
NPRM Comment Period Begin	10/12/84	49 FR 40047
NPRM Comment Period End	12/11/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Insured Multifamily Housing Development, 202 755-6500

RIN: 2502-AC61

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829. TRANSFER FROM NONPROFIT TO PROFIT MOTIVATED OWNERSHIP FOR MULTIFAMILY HOUSING PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES (H-37-83; FR-1771)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 265.13

Abstract: Rule would remove the provision which prohibits a nonprofit owner transferring a project to a profit-motivated owner from receiving any remuneration in excess of the nominal consideration necessary to effect the transfer. The rule would permit the selling nonprofit owner to retain the amount of purchase proceeds, if any, which exceeds the greater of 10 percent of the unpaid principal balance of the mortgage loan or the costs of restoring the project to sound physical and financial condition.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AB93

830. HUD-OWNED MULTIFAMILY PROJECTS-MANAGEMENT AND DISPOSITION (H-69-78; FR-432)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-1b; 12 USC 1701z-11; 12 USC 1701z-12; 12 USC 1713; 12 USC 1715b

CFR Citation: 24 CFR 290; 24 CFR 882

Abstract: Would conform current regulation more closely to Section 203 of the Housing and Community Development Act of 1978, as amended; decrease reliance on project-based Section 8 subsidies as a means of maintaining availability of units for low- and moderate-income persons. Changes in the proposed rule that would conform the rental structure in HUD-owned properties to statutory housing programs are being implemented by separate final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40888
NPRM Comment Period Begin	10/18/84	49 FR 40888
NPRM Comment Period End	12/17/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Marvin T. Hilman, Director, Multifamily Property Dispos. Div., Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 755-7343

RIN: 2502-AC68

831. ● HUD-OWNED MULTIFAMILY PROJECTS - MANAGEMENT AND DISPOSITION - RENT SETTING PROVISIONS (H-41-85; FR-2142)

Legal Authority: 12 USC 1715z-1b; 12 USC 1701z-11; 12 USC 1713

CFR Citation: 24 CFR 290.17

Abstract: Would implement changes to the rent setting procedures for HUD-owned multifamily projects that were part of the proposed rule published at 49 FR 40888 on October 18, 1984. These changes would make the rents for tenants who are very low-income families comparable to the tenant contribution charged to similarly situated families that are receiving Section 8 Assistance.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Additional Information: Split from: FR-432 (N-69-78) RIN 2502-AC68

Agency Contact: Marvin Hilman, Director, Multifamily Property Dispos. Div., Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 755-7343

RIN: 2502-AD33

832. SECURITIZATION OF ADJUSTABLE RATE MORTGAGES (H-61-84; FR-1962)

Significance: Agency Priority

Legal Authority: 12 USC 17219g; 12 USC 1723(a)

CFR Citation: 24 CFR 390

Abstract: This rule would amend 24 CFR Part 390 to enable GNMA to guarantee securities based on mortgages that do not contain fixed rate, level payment provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/84	49 FR 23586
Interim Rule effective	07/30/84	49 FR 23586
Final Action	08/00/86	

Small Entity: No

Agency Contact: Cheryl Patton, Department of Housing and Urban Development, Office of Housing, Office of Mortgage Finance, Government National Mortgage Association, 202 755-5593

RIN: 2502-AC70

833. SHARED HOUSING AND REVISED OCCUPANCY POLICIES (H-59-83; FR-1829)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; 12 USC 1715z-1; 12 USC 1701q; 12 USC 1701s

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 813; 24 CFR 860; 24 CFR 880; 24 CFR 881; 24 CFR 885; 24 CFR 889

Abstract: Rule will provide for eligible applicants and tenants to share units in Section 8 assisted units and in public housing. It may also provide priorities for allocation of efficiency and one-bedroom units in projects containing both sizes.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48006
NPRM Comment Period Begin	12/07/84	49 FR 48006
NPRM Comment Period End	02/05/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: Includes: FR-1804 (RIN-2502-AB72)

Agency Contact: James T. Tahash, Director, Program Planning Div., Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AB87

834. HOUSING DEVELOPMENT GRANT PROGRAM (H-26-84; FR-1902)

Significance: Agency Priority

Legal Authority: PL 98-181, Sec 301; PL 98-181, Sec 302; PL 98-181, Sec 303

CFR Citation: 24 CFR 850

Abstract: Implements the Housing Development Grant Program established by Section 301 of the Housing and Urban-Rural Recovery Act of 1983. Under this Program, the Secretary is authorized to make grants to cities and urban counties and to States acting on behalf of units of general local government to support new construction or substantial rehabilitation of residential rental housing. At least 20 percent of the units in a project assisted under this Program must be leased to, or made available for occupancy by, lower income families for a period of 20 years. The rent for these units cannot exceed 30 percent of the adjusted income of a family at 50 percent of area median income. Assisted projects must be located within eligible areas, special purpose areas or neighborhood preservation areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/14/84	49 FR 24634
Interim Rule effective	08/07/84	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Lawrence Goldberger, Director, Department of Housing and Urban Development, Office of Housing, Development Grant Division, 202 755-6142

RIN: 2502-AC23

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835. GOVERNMENT OFFICIALS, CONFLICTS OF INTEREST (H-127-82)

Significance: Agency Priority

Legal Authority: PL 97-35

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 888; 24 CFR 889

Abstract: Would prevent possible conflicts of interest on the part of Federal, State and local government officials with regard to participation in projects assisted under Section 8.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: John J. Knapp, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7244

RIN: 2502-AA13

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836. ● MANDATORY MEALS PROGRAMS (H-43-85)

Legal Authority: PL 86-372, Sec 202

CFR Citation: 24 CFR 231; 24 CFR 221; 24 CFR 236; 24 CFR 277; 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 885

Abstract: This proposed rule will put in regulatory form the administrative policy that allows mandatory meals in elderly housing projects with prior HUD approval. The rule will provide the guidelines that owners shall use in requiring mandatory participation in their meals programs in order to ensure that tenants with unique circumstances are not required to participate in a meal program for which they receive no benefit but must pay for.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502-AD27

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837. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - MODERATE REHABILITATION (H-38-81; FR-1527)

Legal Authority: PL 97-35; 42 USC 3535(d)

CFR Citation: 24 CFR 882

Abstract: Simplifies and reduces program requirements for local PHAs and participating owners, provides greater local flexibility and implements provision of the HCD Amendments of 1981.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Louise Kleffner, Director, Moderate Rehabilition Branch, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, 202 755-6887

RIN: 2502-AA86

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838. TARGETING OF SECTION 8 CERTIFICATES OF FAMILY PARTICIPATION (H-22-83; FR-1736)

Legal Authority: 42 USC 1347f

CFR Citation: 24 CFR 882

Abstract: Amends 24 CFR Part 882 to eliminate restrictions on targeting Section 8 Certificates of Family Participation under certain circumstances. The rule permits HUD to provide Section 8 Certificates of Family Participation to families residing in (1) a property to be rehabilitated under the Rental Rehabilitation Program, (2) a HUD-owned multifamily project that HUD determines to sell or vacate, (3) a multifamily project with a HUD-held mortgage purchased at foreclosure by a party other than HUD, or (4) a unit covered by a project-based Housing Assistance Payments contract when the owner elects not to renew the contract for an additional term.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/09/84	49 FR 31858
Interim Rule Effective	10/04/84	49 FR 31858
Final Action	01/00/86	

Small Entity: No

Agency Contact: Gerald J. Benoit, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-5720

RIN: 2502-AB47

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839. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS PORTABILITY OF SECTION 8 EXISTING HOUSING CERTIFICATES (H-46-83; FR-1800)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882

Abstract: This rule provides for a system of permitting national mobility of certificate holders and participants in the Section 8 Existing Housing Program. This would enable families to move from the jurisdiction of one PHA to another and would supplement the mobility mechanisms that are already in place.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41072
NPRM Comment Period Begin	10/19/84	49 FR 41072
NPRM Comment Period End	12/18/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, 202 755-6887

RIN: 2502-AB88

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840. SINGLE ROOM OCCUPANCY HOUSING (H-25-84; FR-1898)

Legal Authority: PL 98-181, Sec 210

CFR Citation: 24 CFR 882

Abstract: Regulation will authorize Section 8 assistance in connection with single room occupant dwelling units.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6887

RIN: 2502-AC25

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841. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-EXISTING HOUSING-QUALITY STANDARDS-LEAD BASED PAINT (H-2-83; FR-1528)

Significance: Agency Priority

Legal Authority: 42 USC 1437f

CFR Citation: 24 CFR 882

Abstract: This rule would limit the applicability of HUD's Lead Based Paint regulation for units leased under the Section 8 Existing Housing and Moderate Rehabilitation Programs to those units built before 1950 and in which assisted families with children under age seven choose to live.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Gerald J. Benoit, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, 202 755-6477

RIN: 2502-AC55

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842. ● SECTION 8 EXISTING HOUSING ASSISTANCE PAYMENTS PROGRAM CAUSES FOR TERMINATION FROM TENANCY (H-37-85; FR-2114)

Legal Authority: 42 USC 1437f

CFR Citation: 24 CFR 0882.215

Abstract: This rule would revise 24 CFR 882.215 to make it clear that an owner may not, during the first year of the term of a lease, terminate a tenancy for business or economic reasons or because the owner desires to use the property for the owner's personal residence.

Timetable:

Action	Date	FR Cite
Final Action	01/00/86	

Small Entity: Not Applicable

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6887

RIN: 2502-AD29

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843. HOUSING FOR THE ELDERLY OR HANDICAPPED (H-99-82)

Legal Authority: 12 USC 1701q

CFR Citation: 24 CFR 885

Abstract: Review of 24 CFR 885 with a view toward simplification of the program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Robert W. Wilden, Director, Assisted Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 426-8730

RIN: 2502-AB28

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844. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Abstract: Review HUD's current regulations on loans for housing for the elderly or handicapped. The proposed regulation will reflect statutory amendments and eliminate duplicative regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC03

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845. SECTION 202 - LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED (H-10-84; FR-1899)

Significance: Agency Priority

Legal Authority: 12 USC 1701q; PL 98-181

CFR Citation: 24 CFR 885

Abstract: This rule would establish requirements on prepayment of Section 202 direct loan mortgages and incorporate amendments to programs made by the Housing and Urban-Rural Recovery Act of 1983 and the Technical Amendments Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	

Small Entity: No

Additional Information: Includes: FR-1857

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AC53

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846. SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED- COMMUNITY REPRESENTATION ON BORROWER'S BOARD (H-46-78)

Legal Authority: PL 95-557, Sec 205

CFR Citation: 24 CFR 885

Abstract: This rule would require that the membership of the governing board of private nonprofit corporations or nonprofit consumer cooperatives who wish to obtain Section 202 loans for housing for the elderly or handicapped be selected in a manner to assure significant representation of the views of the community in which a project is to be located.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Joseph F. Gelletich, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Assisted Housing Division, 202 755-5470

RIN: 2502-AC99

847. ADDITIONAL ASSISTANCE PROGRAM FOR PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES (H-89-78)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 886

Abstract: Amended 24 CFR 886, Subpart A to remove the requirement that HUD annually inspect 100% of the units under HUD-insured or HUD-held mortgages and to call for inspections based on a reasonable sample. This brings this requirement in line with other programs which permit inspections on a sample basis.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AA41

848. MISCELLANEOUS REVISIONS TO PART 886 (H-59-84; FR-1950)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 886

Abstract: This rule would make various amendments to Part 886-Section 8 Housing Assistance Payments Programs-Special Allotments. The changes would (1) apply 24 CFR Part 247 - Evictions from Certain Subsidized and HUD-Owned Projects, to terminations of tenancy under Part 886; (2) modify the maximum monthly rent provisions of Subpart C to reflect Section 102(b)(7) of the Housing and Community Development Technical Amendments of 1984; (3) amend the work write-up, cost estimate and cost certification provisions governing the rehabilitation of properties under Subpart C; and (4) make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC59

849. SECTION 8-LIMIT ON CONTRACT RENT INCREASES (H-132-82; FR-1703)

Significance: Regulatory Program

Legal Authority: 42 USC 1437c(b); 42 USC 1437f

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 888

Abstract: Would limit Section 8 contract rent increases for new construction and substantial rehabilitation projects to operating increases incurred for comparable units in the market area for projects with Housing Assistance Payments Contracts entered into pursuant to Agreements to Enter into Housing Assistance Payments Contracts executed on or after October 1, 1981.

Timetable:

Action	Date	FR Cite
NPRM	11/23/83	48 FR 52936
NPRM Comment Period Begin	11/24/83	48 FR 52936
NPRM Comment Period End	01/23/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AA18

850. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - FISCAL YEAR 1986 FAIR MARKET RENTS - EXISTING HOUSING (H-86-84; FR-2133)

Legal Authority: 42 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 888

Abstract: This rules announces revised Fair Market Rents Schedules for Fiscal Year 1986 for the Section 8 Existing Housing and moderate Rehabilitation Programs, including space rentals of manufactured homes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Gerald J. Benoit, Director, Existing Housing Branch, Department of Housing and Urban Development, Office of Housing, Office of Existing and Assisted Housing, 202 755-5720

RIN: 2502-AC67

851. SECTION 8-LITIGATION BY PHAS TO RECOVER WRONGFULLY USED SECTION 8 FUNDS (H-126-82; FR-1692)

Significance: Agency Priority

Legal Authority: PL 97-35, Sec 326(d)

CFR Citation: 24 CFR 892

Abstract: Would permit PHAs to retain, out of judgments obtained by them in recovering amounts wrongfully paid as a result of fraud and abuse in the Section 8 program, an amount equal to the greater of legal expenses incurred in obtaining the judgment; or 50 percent of the amount actually collected on the judgments.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Gershon M. Ratner, Associate General Counsel of Litigation, Department of Housing and Urban Development, Office of the General Counsel, Office of Litigation, 202 755-1300

RIN: 2502-AA12

852. BOOK ENTRY SECURITIES OF PUBLIC HOUSING AUTHORITIES (P-64-83; FR-1845)

Legal Authority: 42 USC 1737h(c); 42 USC 1737i(a); 42 USC 3535d

CFR Citation: 24 CFR 910, (New)

Abstract: This rule would permit local housing authorities to issue tax- exempt notes and bonds in book-entry form through the Federal Reserve Banks. Book-entry securities may be issued and marketed more efficiently than securities in certificate form.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert H. Menke, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Financial Management, 202 755-1591

RIN: 2502-AB75

853. TECHNICAL AMENDMENTS TO THE INTERSTATE LAND SALES REGISTRATION REGULATIONS (H-15-85; FR-2080)

Significance: Agency Priority

Legal Authority: 15 USC 1718

CFR Citation: 24 CFR 1710; 24 CFR 1720

Abstract: This final rule would correct certain provisions of the Interstate Land Sales Registration Regulations and final guidelines that implement the Interstate Land Sales Full Disclosure Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: John L. Brady, Director, Interstate Land Sales Regis. Div., Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Reg. Fun., 202 755-0502

RIN: 2502-AC83

854. TRANSPORTATION, DURABILITY, TESTING - MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (H-23-85)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: This rule will amend the standards applicable to manufactured homes to assure that they withstand the adverse effects of transportation shock and vibration.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: No

Agency Contact: Mark Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufac. Housing and Reg. Functions, 202 755-6590

RIN: 2502-AD03

855. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (H-30-85; FR-2137)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: The final rule will amend those portions of the Manufactured Home Construction Standards to correct a number of problems that have been discovered as a result of experience with the standards and research.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: Includes: H-25-85

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-6584

RIN: 2502-AD10

856. REVISION OF MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - SUBPART F - THERMAL PROTECTION (H-31-85)

Significance: Agency Priority

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: This action will include, in the Manufactured Home Construction and Safety Standards, the requirement for options for increasing thermal efficiency.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Homes and Regulatory Functions, 202 755-6584

RIN: 2502-AD11

857. ◉ MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS: ENERGY EFFICIENCY STANDARDS (H-40-85; FR-2136)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: This rule will consider, among other things, the extent to which energy conservation options are currently made available, together with adequate information concerning the costs and benefits of available alternatives, to prospective zones. The alternatives to be considered may be whether current mandatory thermal protection requirements should be repealed or revised.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: James McCollom, Dir., Man. Hsng. and Construc. Stan. Div., Department of Housing and Urban Development, Office of Housing, Off. of Manufac. Hsng. and Regulatory Func., 202 755-6920

RIN: 2502-AD32

858. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS; PRIMARY INSPECTION AGENCY (PIA) RATING (H-28-85)

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Abstract: The present system of evaluating Primary Inspection Agencies (PIAs) has the potential to be subjective and arbitrary. The rule will propose the establishment of a clear and objective rating system.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: G. Robert Fuller, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-6920

RIN: 2502-AD08

859. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS, SUBPART G - ADMINISTRATIVE AGENCIES (H-32-85; FR-2113)

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Abstract: This rule would revise the procedures to be followed, and requirements to be met, by States wishing to participate as State Administrative Agencies in the enforcement of Federal standards for manufactured homes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Tobias Gottesman, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Homes and Regulatory Functions, 202 755-6584

RIN: 2502-AD12

860. REAL ESTATE SETTLEMENT PROCEDURES ACT -- CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS CHANGES (H-45-84; FR-1942)

Significance: Regulatory Program

Legal Authority: 12 USC 2601

CFR Citation: 24 CFR 3500

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub.L.98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The potential costs cannot be accurately projected but are believed to be incidental. The rule will also contain other miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Brian Chappelle, Director,Single Family Development Division, (202) 755-6720.

Agency Contact: Grant E. Mitchell, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, Fiscal Management and Energy Division, 202 755-6550

RIN: 2502-AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Completed Actions

Office of Housing (OH)

COMPLETED RULEMAKINGS

861. ELIMINATION OF MINIMUM PROPERTY STANDARDS (MPS) FOR ONE- AND TWO-FAMILY DWELLINGS (H-74-82; FR-1655)

Significance: Regulatory Program

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Final Action	09/27/85	50 FR 39586

Small Entity: Undetermined

Agency Contact: Mark Holman 202 755-5924

RIN: 2502-AA03

862. MULTIFAMILY PARTICIPATION REVIEW COMMITTEE (H-75-84; FR-2008)

CFR Citation: 24 CFR 200.93

Completed:

Reason	Date	FR Cite
Final Action	09/16/85	50 FR 37519
Final Action Effective	10/21/85	

Small Entity: No

Agency Contact: Jon Will Pitts 202 755-6779

RIN: 2502-AC72

863. REVISION OF DIRECT ENDORSEMENT PROGRAM (H-84-84; FR-2032)

CFR Citation: 24 CFR 200.161

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/05/85	

Small Entity: No

Agency Contact: Brian Chappelle 202 755-6720

RIN: 2502-AC75

864. SECOND MORTGAGES OR LIENS ON FHA-INSURED MORTGAGES--ESCROW ACCOUNTS ASSOCIATED WITH INTEREST BUY-DOWNS (H-84-82; FR-1590)

CFR Citation: 24 CFR 203.32; 24 CFR 213.520; 24 CFR 234.55; 24 CFR 235

Completed:

Reason	Date	FR Cite
Final Action	05/21/85	50 FR 20903
Final Action Effective	07/08/85	50 FR 20903

Small Entity: No

Agency Contact: Brian Chappelle 202 755-6720

RIN: 2502-AA57

865. ISSUE DATE OF DEBENTURES (H-51-81; FR-1501)

CFR Citation: 24 CFR 203.410

Completed:

Reason	Date	FR Cite
Final Action	01/29/85	50 FR 3891
Final Action Effective	03/01/85	50 FR 3891

Small Entity: No

Agency Contact: Richard B. Buchheit 202 755-8680

RIN: 2502-AA91

866. MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS PREPAYMENT PRIVILEGES AND APPLICATION OF LATE CHARGES (H-9-79; FR-1028)

CFR Citation: 24 CFR 203.22(b); 24 CFR 203.24(a); 24 CFR 203.558; 24 CFR 213.513; 24 CFR 213.515; 24 CFR 222.6; 24 CFR 234.37

Completed:

Reason	Date	FR Cite
Final Action	06/24/85	50 FR 25910
Final Action Effective	08/02/85	50 FR 25910

Small Entity: Undetermined

Agency Contact: Richard Buchheit 202 755-6672

RIN: 2502-AB02

867. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP), AND ASSIGNMENTS TO HOUSING AND URBAN DEVELOPMENT (H-29-81; FR-1415)

Significance: Agency Priority

CFR Citation: 24 CFR 203; 24 CFR 204

Completed:

Reason	Date	FR Cite
Final Action	03/29/85	50 FR 12527

Small Entity: No

Agency Contact: Richard B. Buchheit 202 755-6672

RIN: 2502-AB79

868. MORTGAGE INSURANCE ENDORSEMENT ON A NEW OR EXISTING DWELLING IN A NEW SUBDIVISION OR IMPROVED AREA (H-13-84; FR-1867)

Significance: Agency Priority

CFR Citation: 24 CFR 203.12

Completed:

Reason	Date	FR Cite
Final Action	05/14/85	50 FR 20096
Final Action Effective	06/24/85	50 FR 20096

Small Entity: Undetermined

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2502-AC04

869. REINSURANCE DEMONSTRATION PROGRAM (H-46-84)

Significance: Agency Priority

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/05/85	

Small Entity: Undetermined

Agency Contact: Brian Chappelle 202 755-6720

RIN: 2502-AC11

870. CHANGES IN MAXIMUM LOAN-TO-VALUE RATIO, SINGLE FAMILY HOUSING (H-42-84; FR-1935)

Significance: Agency Priority

CFR Citation: 24 CFR 203; 24 CFR 226; 24 CFR 234

Completed:

Reason	Date	FR Cite
Final Action	05/13/85	50 FR 19924
Final Action Effective	06/24/85	50 FR 19924

Small Entity: No

Agency Contact: Brian Chappelle 202 755-6720

RIN: 2502-AC33

871. MORTGAGE INSURANCE FOR LAND DEVELOPMENT (TITLE X); PROVIDES ELIGIBILITY FOR REFINANCING TRANSACTIONS (H-41-83; FR-1779)

CFR Citation: 24 CFR 205

Completed:

Reason	Date	FR Cite
Final Action	04/16/85	50 FR 14921
Final Action Effective	05/11/85	50 FR 14921

Small Entity: No

Agency Contact: Brian Chappelle 202 755-6720

RIN: 2502-AB98

872. GEOGRAPHICAL ELIGIBILITY OF PROPERTY (H-67-84; FR-1982)

CFR Citation: 24 CFR 205; 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 234; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 255

Completed:

Reason	Date	FR Cite
Final Action	02/01/85	50 FR 4646
Final Action Effective	03/13/85	50 FR 4646

Small Entity: No

Agency Contact: James Hamernick 202 755-6500

RIN: 2502-AC51

873. SECTION 223(F) INSURANCE IN CONNECTION WITH RENTAL REHABILITATION DEVELOPMENT GRANT PROGRAM (H-52-84)

CFR Citation: 24 CFR 207; 24 CFR 255

Completed:

Reason	Date	FR Cite
Included in RIN 2502-AA92	06/24/85	

Small Entity: No

Agency Contact: James Hamernick 202 755-6500

RIN: 2502-AC29

874. SECTION 223(F) COOPERATIVES (H-56-84)

CFR Citation: 24 CFR 207.32a; 24 CFR 255

Completed:

Reason	Date	FR Cite
Included in FR-1391	06/24/85	50 FR 25915

Small Entity: Undetermined

Agency Contact: Joseph Malloy 202 755-6223

RIN: 2502-AC47

875. PARTIAL PAYMENT OF CLAIMS (H-88-84; FR-2040)

CFR Citation: 24 CFR 208

Completed:

Reason	Date	FR Cite
Final Action	09/25/85	50 FR 38784
Final Action Effective	10/30/85	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502-AC62

876. COINSURANCE FOR THE PURCHASE OR REFINANCING OF EXISTING MULTIFAMILY HOUSING PROJECTS - TECHNICAL REVISIONS (H-63-84; FR-1973)

CFR Citation: 24 CFR 207; 24 CFR 255

Completed:

Reason	Date	FR Cite
Withdrawn Included in RIN 2502-AA92	06/24/85	

Small Entity: Undetermined

Agency Contact: James Hamernick 202 755-5720

RIN: 2502-AC74

877. TECHNICAL AMENDMENTS TO DEFINITION OF INCOME (H-6-85; FR-2052)

CFR Citation: 24 CFR 813; 24 CFR 913; 24 CFR 960; 24 CFR 215; 24 CFR 236

Completed:

Reason	Date	FR Cite
Final Action	09/27/85	50 FR 39092
Final Action Effective	11/01/85	

Small Entity: Undetermined

Agency Contact: James J. Tahash 202 755-3970

RIN: 2502-AC82

878. MORTGAGE INSURANCE FOR BOARD AND CARE HOMES (H-55-84; FR-1960)

Significance: Regulatory Program

CFR Citation: 24 CFR 232

Completed:

Reason	Date	FR Cite
Final Action	09/16/85	50 FR 37520
Final Action Effective	10/21/85	

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy 202 755-6223

RIN: 2502-AC48

879. TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS (H-20-83; FR-1730)

Significance: Agency Priority

CFR Citation: 24 CFR 245

Completed:

Reason	Date	FR Cite
Final Action	08/12/85	50 FR 32396
Final Action Effective	10/04/85	50 FR 32396

Small Entity: No

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502-AB66

880. TENANT PARTICIPATION--PREPAYMENT OR TERMINATION OF INSURANCE OF SUBSIDIZED PROJECTS (H-79-84; FR-2015)

Significance: Agency Priority

CFR Citation: 24 CFR 245

Completed:

Reason	Date	FR Cite
Withdrawn Included in RIN 2502-AC49 (FR-1952)	04/30/85	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502-AC57

881. PART 251 - LABOR STANDARDS TECHNICAL REVISIONS (H-34-85; FR-2143)

CFR Citation: 24 CFR 241

Completed:

Reason	Date	FR Cite
Final Action	10/02/85	50 FR 40195

Small Entity: No

Agency Contact: James Hamernick 202 755-6500

RIN: 2502-AD06

882. SECTION 223(F) COINSURANCE FOR PURCHASE OR REFINANCING OF EXISTING MULTIFAMILY HOUSING PROJECTS (H-53-81; FR-1391)

Significance: Agency Priority

CFR Citation: 24 CFR 255

Completed:

Reason	Date	FR Cite
Final Action	06/24/85	50 FR 25915
Final Action Effective	08/02/85	50 FR 25915

Small Entity: No

Agency Contact: Vaughn L. Sanders 202 426-7113

RIN: 2502-AA92

883. EVICTIONS FROM CERTAIN SUBSIDIZED AND HUD-OWNED PROJECTS (H-5-83; FR-1661)

Significance: Agency Priority

CFR Citation: 24 CFR 450

Completed:

Reason	Date	FR Cite
Final Action	09/25/85	50 FR 38787
Final Action Effective	10/30/85	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502-AB59

HUD—OH

Completed Actions

884. REVISION TO DEFINITION OF INCOME RESULTING FROM CONSULTATION WITH THE FARMERS HOME ADMINISTRATION (H-4-85; FR-2042)

CFR Citation: 24 CFR 813; 24 CFR 913

Completed:

Reason	Date	FR Cite
Final Action	06/24/85	50 FR 25949
Final Action Effective	06/24/85	50 FR 25949

Small Entity: No

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502-AC91

885. CLARIFICATION OF CONTRACT RENT ADJUSTMENT AFTER COST CERTIFICATION (H-77-84; FR-2013)

CFR Citation: 24 CFR 880.405; 24 CFR 881.405

Completed:

Reason	Date	FR Cite
Final Action	02/15/85	50 FR 6341
Final Action Effective	03/20/85	50 FR 6341

Small Entity: No

Agency Contact: Linda Cheatham 202 426-0035

RIN: 2502-AC69

886. ELIGIBILITY OF EXISTING STRUCTURES AND MODERATE REHABILITATION TO MEET NEEDS OF NON-ELDERLY HANDICAPPED (H-40-81; FR-1543)

Significance: Agency Priority

CFR Citation: 24 CFR 885

Completed:

Reason	Date	FR Cite
Final Action	09/25/85	50 FR 38797
Final Action Effective	10/30/85	

Small Entity: No

Agency Contact: Robert W. Wilden 202 426-8730

RIN: 2502-AA29

887. LOANS FOR THE ELDERLY OR HANDICAPPED; INTEREST RATE ADJUSTMENTS (H-11-85; FR-2066)

CFR Citation: 24 CFR 885.410(g)

Completed:

Reason	Date	FR Cite
Final Action	07/11/85	50 FR 28197
Final Action Effective	09/12/85	50 FR 28197

Small Entity: No

Agency Contact: Robert Wilden 202 426-8730

RIN: 2502-AC84

888. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS: FAIR MARKET RENT SCHEDULES FOR EXISTING HOUSING AND MODERATE REHABILITATION (H-27-84; FR-1904)

CFR Citation: 24 CFR 888

Completed:

Reason	Date	FR Cite
Final Action	04/16/85	50 FR 14922
Final Action Effective	05/17/85	50 FR 14922

Small Entity: No

Agency Contact: Gerald J. Benoit 202 755-5720

RIN: 2502-AC22

889. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM CONTRACT RENT ANNUAL ADJUSTMENT FACTORS (FEDERAL REGISTER NOTICE OF PUBLICATION) (H-57-84)

Significance: Agency Priority

CFR Citation: 24 CFR 888

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/21/85	

Small Entity: No

Agency Contact: Gerald J. Benoit 202 755-6477

RIN: 2502-AC46

890. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS; PROMULGATION OF FAIR MARKET RENT SCHEDULES BY NOTICE (H-73-84; FR-2005)

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886

Completed:

Reason	Date	FR Cite
Final Action	09/25/85	50 FR 38791
Final Action Effective	10/30/85	

Small Entity: No

Agency Contact: Susan Schruth 202 755-7055

RIN: 2502-AC56

891. FAIR MARKET RENTS FOR THE SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION PROGRAMS (H-5-85; FR-2079)

CFR Citation: 24 CFR 888

Completed:

Reason	Date	FR Cite
Final Action	08/30/85	50 FR 35214
Final Action Effective	10/03/85	

Small Entity: No

Agency Contact: Edward M. Winiarski 202 426-7624

RIN: 2502-AC94

892. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (H-46-82; FR-1637)

Significance: Regulatory Program

CFR Citation: 24 CFR 3280

Completed:

Reason	Date	FR Cite
Final Action	08/09/84	49 FR 31996
Final Action Effective	08/09/84	49 FR 31996

Small Entity: No

Agency Contact: Mark Holman 202 755-5798

RIN: 2502-AA01

893. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (VOLUNTARY CONSENSUS STANDARDS) (H-72-82; FR-1633)

Significance: Agency Priority

CFR Citation: 24 CFR 3280

Completed:

Reason	Date	FR Cite
Withdrawn	08/15/85	

Small Entity: No

HUD—OH

Completed Actions

Agency Contact: James McCollom 202 766-5210

RIN: 2502-AA02

894. STANDARDS FOR SMALL MANUFACTURED HOMES, MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (H-19-85)

CFR Citation: 24 CFR 3280

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/12/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller 202 755-5924

RIN: 2502-AC95

895. HARDBOARD SIDING - MANUFACTURED HOMES CONSTRUCTION AND SAFETY STANDARDS (H-24-85)

CFR Citation: 24 CFR 3280

Completed:

Reason	Date	FR Cite
withdrawn from Agenda	08/12/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller 202 755-5924

RIN: 2502-AD04

896. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - CONDENSATION AND VENTILATION (H-27-85)

CFR Citation: 24 CFR 3280

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/12/85	

Small Entity: No

Agency Contact: G. Robert Fuller 202 755-5924

RIN: 2502-AD07

897. REVISION OF MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - SUBPARTS A, B, D, E, G, H, I (H-25-85)

Significance: Agency Priority

CFR Citation: 24 CFR 3280

Completed:

Reason	Date	FR Cite
Merged with H-30-85 (2502-AD10)	08/19/85	

Small Entity: Undetermined

Agency Contact: Mark W. Holman 202 755-6584

RIN: 2502-AD14

898. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS MONITORING INSPECTION FEE (H-30-83; FR-1767)

CFR Citation: 24 CFR 3282.454

Completed:

Reason	Date	FR Cite
Final Action	07/12/85	50 FR 28396
Final Action Effective	09/12/85	50 FR 28396

Small Entity: No

Agency Contact: Tobias A. Gottesman 202 755-6584

RIN: 2502-AB48

899. MFC HOME PROCEDURAL AND ENFORCEMENT REGULATIONS TO ELIMINATE REQUIREMENT THAT IPIAS MAINTAIN COPIES OF DATA PLATES (H-53-82; FR-1815)

CFR Citation: 24 CFR 3282.203; 24 CFR 3282.359; 24 CFR 3282.360; 24 CFR 3282.361; 24 CFR 3282.362

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/21/85	

Small Entity: No

Agency Contact: G. Robert Fuller 202 755-6584

RIN: 2502-AC16

900. MANUFACTURED HOUSING COMPLAINT INDEX (H-18-85)

CFR Citation: 24 CFR 3282

Completed:

Reason	Date	FR Cite
Included in FR-2113	08/19/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller 202 755-6920

RIN: 2502-AC97

901. REVISION OF MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS - CONSUMER COMPLAINT HANDLING (H-26-85)

Significance: Agency Priority

CFR Citation: 24 CFR 3282

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/12/85	

Small Entity: Undetermined

Agency Contact: Tobias Gottesman 202 755-6584

RIN: 2502-AD05

902. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS; PRIMARY INSPECTION AGENCY (PIA) LICENSING (H-29-85)

Significance: Regulatory Program

CFR Citation: 24 CFR 3282

Completed:

Reason	Date	FR Cite
Withdrawn	08/19/85	

Small Entity: No

Agency Contact: Tobias Gottesman 202 755-6584

RIN: 2502-AD09

903. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS; SUBPART L - REPORTING REQUIREMENTS (H-33-85)

CFR Citation: 24 CFR 3282

Completed:

Reason	Date	FR Cite
Merged with FR-2113	08/09/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller 202 755-6920

RIN: 2502-AD13

HUD—OH

Completed Actions

COMPLETED REVIEWS

904. SECTION 8 HOUSING ASSISTANCE PROGRAM FOR DISPOSITION OF THE HUD-OWNED PROJECTS (H-6-79; FR-823)

CFR Citation: 24 CFR 886

Completed:

Reason	Date	FR Cite
Included in RIN 2502-AB47	08/16/85	

Small Entity: No

Agency Contact: Marvin T. Hilman 202 755-7343

RIN: 2502-AB42

905. MEDIUM DENSITY FIBERBOARD (MDF) (H-16-85; FR-2093)

Significance: Agency Priority

CFR Citation: 24 CFR 3280

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn from Agenda	08/12/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller 202 755-5924

RIN: 2502-AC96

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

906. ● DELAYED IMPLEMENTATION OF INCOME DEFINITIONS FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS RENT SUPPLEMENT AND SECTION 236 PROGRAMS (H-36-85; FR-2083)

Legal Authority: 42 USC 1437a; 12 USC 1715z-1; 12 USC 1701s; 42 USC 1437c; 42 USC 1437f; 42 USC 1437n

CFR Citation: 24 CFR 813; 24 CFR 236; 24 CFR 215

Abstract: This rule delayed the date on which new definitions of Annual Income and Adjusted Income must be used for applicants and tenants in these programs from October 1, 1984 to August 1, 1985 because earlier implementation was impracticable. It required a tenant to be given the benefit of the new definitions back to October 1, 1984, if they produce a benefit for the tenant.

Timetable:

Action	Date	FR Cite
Final Action	06/12/85	50 FR 24616
Final Action Effective	06/12/85	50 FR 24616

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing, 202 755-3970

RIN: 2502-AD28

[FR Doc. 85-21497 Filed 10-28-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Community Planning and Development (CPD)

Current and Projected Rulemakings

907. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION (CPD-15-83; FR-2106)

Legal Authority: 42 USC 4601

CFR Citation: 24 CFR 42; 24 CFR 43

Abstract: Would revise HUD rules to conform to the Uniform Act regulations developed by the Uniform Act Interagency Regulatory Review Working Group formed by OMB and publish jointly by over 20 Federal agencies. The rule would establish Uniform policies and procedures for all Federal agencies responsible for implementing the Uniform Act.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21712
NPRM Comment Period Begin	05/30/85	50 FR 21712
NPRM Comment Period End	07/29/85	
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: Includes CPD-4-81 (RIN-2506-AA14).

Agency Contact: Melvin J. Geffner, Deputy Director, Relocation and Real Estate, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Rehabilitation, 202 755-6336

RIN: 2506-AA46

908. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (CPD-29-78; FR-1054)

Significance: Agency Priority

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Abstract: This final rule will replace an interim rule published on December 15, 1982 (47 FR 56266). The rule provides policies and procedures for HUD consideration of environmental factors in decision-making under HUD programs (except the Community Development Block Grant Program). The rule implements the National Environmental Policy Act (NEPA) and several specific environmental laws and authorities. The rule reflects a number of elements of the December 1982 interim rule to reduce the regulatory burden and procedural details resulting from two years of field experience. Changes have also been made to reflect field office reorganization and requirements mandated by the passage of the Housing and Urban-Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Frederick D. Regetz, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, Environmental Management Division, 202 755-6611

RIN: 2506-AA10

909. ENVIRONMENTAL REVIEW PROCEDURES FOR THE CDBG PROGRAM (CPD-21-81; FR-1027)

Significance: Agency Priority

Legal Authority: 42 USC 5301; PL 97-35; 42 USC 4321; 42 USC 1437

CFR Citation: 24 CFR 58

Abstract: The final rule provides policies and procedures by which assisted communities and participating states discharge Federal environmental review responsibilities. The final rule also streamlines and reduces the environmental requirements. Such actions include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) the definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by the HUD legislation; and (3) the further provisions needed to conform with and implement innovative measures of the HUD Amendments of 1981 such as the new state-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by such states.

Timetable:

Action	Date	FR Cite
Interim Final Rule		47 FR 15750
Final Action	01/00/86	

Small Entity: No

Additional Information: Includes: CPD-23-81; CPD-27-78. May be merged with FR-1965 (S-6-84), RIN-2501-AA25.

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, Environmental Management Division, 202 755-6611

RIN: 2506-AA05

910. ● SECTION 312 REHABILITATION LOAN PROGRAM: RELOCATION/DISPLACEMENT (CPD-4-85)

Legal Authority: 42 USC 1425b

CFR Citation: 24 CFR 510.52

Abstract: The rule will revise the relocation/displacement requirements at 24 CFR 510.52 of the Section 312 Rehabilitation Loan Program that are applicable when a tenant is displaced by Section 312 rehabilitation. The current rule (effective May 12, 1980) requires that relocation assistance be provided to tenants at levels similar to those provided under HUD regulations at 24 CFR Part 42 which implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as modified by Section 510.52. On May 28, 1985 (50 FR 8990), the Department proposed a comprehensive revision of its Uniform Act regulations. When a final Uniform Act rule is effective, the current rule at 24 CFR 510.52 will be obsolete. The Department is proposing to adopt under the Section 312 program relocation requirements similar to those to be established under the Community Development Block Grant Program to protect persons displaced by activities that are not subject to the Uniform Act. The proposed changes would simplify the current requirements under other HUD-assisted activities not subject to the Uniform Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Agency Contact: Melvin Geffner, Deputy Director, Relocation and Real Estate, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Rehabilitation, 202 755-6336

RIN: 2506-AA65

911. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Significance: Regulatory Program

Legal Authority: 42 USC 1437o; 42 USC 3535(d)

CFR Citation: 24 CFR 511

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule effective	05/24/84	49 FR 16936
Final Action	03/00/86	

Small Entity: No

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912

Agency Contact: Robert I. Dodge III, Director, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5685

RIN: 2506-AA55

912. PERFORMANCE ADJUSTMENTS TO FORMULA ALLOCATIONS-RENTAL REHABILITATION PROGRAM (CPD-14-84; FR-2055)

Significance: Regulatory Program

Legal Authority: PL 98-181

CFR Citation: 24 CFR 511.32

Abstract: This rule sets forth the performance adjustment standards for the Rental Rehabilitation Program. Beginning with Fiscal Year 1987, the Secretary of HUD may adjust the allocation for a city, urban county, consortia, or State administering a rental rehabilitation program by up to 15 percent above or below the amount of its annual allocation based on an annual review of performance in carrying out the performance adjustment standards established in HUD legislation enacted in 1983 and this rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/85	

Small Entity: Undetermined

Agency Contact: Craig Nickerson, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-5970**

RIN: 2506-AA60

913. SMALL CITIES CDBG PROGRAM (CPD-35-81; FR-1502)

Legal Authority: 42 USC 5301; 42 USC 3535(d)

CFR Citation: 24 CFR 570

Abstract: The revisions will implement the statutory changes made by the 1983 Amendments. Specifically, this includes definitions of low and moderate income benefit, 51% test for benefit to low and moderate income persons, added local citizens participation requirements and coverage of program income. This rule will also address the public comments received on the interim rule published August 16, 1982.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Additional Information: Includes: CPD-3-80; CPD-12-82. Additional Agency Contact: Patricia Meyers, (202) 755-6322.

Agency Contact: Richard Kennedy, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, **202 755-6322**

RIN: 2506-AA06

914. TECHNICAL ASSISTANCE: DISCRETIONARY AWARDS (CPD-6-79; FR-1115)

Legal Authority: PL 93-383

CFR Citation: 24 CFR 570.402

Abstract: Would amend 24 CFR 570.402 to update and clarify the priorities for Technical Assistance funding and to clarify application and review procedures for awards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Jerome Friedman, Director, Policy Development Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, **202 755-8909**

RIN: 2506-AA30

915. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

Legal Authority: 42 USC 5301; PL 98-181

CFR Citation: 24 CFR 570.488 to 570.499

Abstract: This revision would implement the 1983 amendments. This includes: definitions of low and moderate income persons, requirements for meeting the three national objectives, the 51% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of states dropping program administration after FY 85.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, **202 755-6322**

RIN: 2506-AA38

916. COMMUNITY DEVELOPMENT BLOCK GRANTS URBAN DEVELOPMENT ACTION GRANTS (CPD-14-83)

Significance: Agency Priority

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570, Subpart G

Abstract: The proposed regulations will correct a number of inaccuracies of a technical nature. These include Davis-Bacon Act Relationship to Indian tribes, and various corrections to eligibility matters including use of new census data. The alternative was a set of technical amendments which the Office of General Counsel advised against. The cost of this regulation should be negligible while the benefits are significant in terms of providing corrections and updated information of a technical nature to applicants and recipients.The regulation will also incorporate changes made by the Housing and Urban-Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Michael McMahon, Director, Program Policy and Support Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Development Action Grants, **202 755-8227**

RIN: 2506-AA40

917. COMMUNITY DEVELOPMENT BLOCK GRANT (CPD-6-84; FR-1895)

Significance: Regulatory Program

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Abstract: As a result of the 1983 and 1984 amendments to the Housing and Community Development Act of 1974 as amended, this proposed rule would set forth new requirements governing the administration of Community Development Block Grant funds under subpart A (General Provisions), C (Eligible Activities), D (Entitlement Grants), F (Small Cities Programs), K (Other Applicable Laws), M (Loan Guarantees), J (Grant Administration), and O (Program Management).

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43852
NPRM Comment Period Begin	11/01/84	49 FR 43852
NPRM Comment Period End	12/31/84	
Final Action	11/00/85	

Small Entity: No

Additional Information: Includes: FR-1825, FR-1852, FR-1854; FR-1572

Government Levels Affected: Local

Agency Contact: James R. Broughman, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, Entitlement Cities Division, **202 755-9267**

RIN: 2506-AA47

918. ● CDBG PROGRAM FOR INDIAN TRIBES AND ALASKAN NATIVES (CPD-11-84; FR-2000)

Significance: Regulatory Program

Legal Authority: 42 USC 5701-30

CFR Citation: 24 CFR 571.302

Abstract: This rule would incorporate new policies and procedures that would simplify and add flexibility to the rating and ranking process for applicants in the CDBG program for Indian Tribes and Alaskan Native villages.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Leroy Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, **202 755-6092**

RIN: 2506-AA33

919. INDIAN CDBG PROGRAM ASSURED FUNDING PROCESS (CPD-4-84)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 571.101

Abstract: Would provide assured funding to Tribes with populations exceeding 5,000 through noncompetitive distribution. This would enable the large Tribes to plan for their community development needs more consistently and would eliminate the competitive advantage they may have over small Tribes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, **202 755-6092**

RIN: 2506-AA50

920. INDIAN CDGB PROGRAM - CONFLICT OF INTEREST PROVISIONS (CPD-5-84; FR-2016)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 571.607

Abstract: This rule will simplify the procedures for requesting waivers of conflict of interest provisions required by the Indian CDBG Program. It will provide authority to Field Offices to grant exceptions to conflict of interest requirements if certain conditions are present.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 25999
NPRM Comment Period Begin	06/24/85	50 FR 25999
NPRM Comment Period End	08/23/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, **202 755-6092**

RIN: 2506-AA51

921. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: REVISION TO CORRECTIVE AND REMEDIAL ACTION (CPD-13-84)

Legal Authority: 42 USC 5301; 42 USC 3535 (d)

CFR Citation: 24 CFR 571.702 (b); 24 CFR 571.302(a)

Abstract: This rule would amend the corrective and remedial action to be taken against grant recipients who fail to perform properly. One of the actions to be taken is to require recipients to reimburse their program account of Letter of Credit in any amounts improperly expended. This amendment would allow the recipient to make such reimbursement through an in-kind contribution if sufficient cash is not available. In addition, it would allow alternative, non-cash transfer remedies to prevent a recurrence of the previous problems.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6092**

RIN: 2506-AA58

922. ENTERPRISE ZONES (CPD-11-83; FR-1913)

Significance: Regulatory Program

CFR Citation: 24 CFR 596

Abstract: Provides procedures for nomination of geographic areas by States and Local governments for designation as an enterprise zone by Secretary of HUD. Program intended to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote re-evaluation of distressed areas through tax incentives and actions to reduce regulatory requirements to encourage free enterprise by the private sector within the zones.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Government Levels Affected: Local

Agency Contact: Michael T. Savage, Program Advisor, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6300**

RIN: 2506-AA45

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Community Planning and Development (CPD)

Completed Actions

COMPLETED RULEMAKINGS

923. SITING OF HUD-ASSISTED PROJECTS NEAR HIGH VOLTAGE TRANSMISSION LINES (CPD-3-85)

CFR Citation: 24 CFR 51

Completed:

Reason	Date	FR Cite
Withdrawn from agenda	08/12/85	

Small Entity: No

Agency Contact: Antoinette G. Sebastian 202 755-7225

RIN: 2506-AA61

924. EXPOSURE TO RADON GAS IN NEW AND EXISTING RESIDENTIAL STRUCTURES (CPD-2-85)

CFR Citation: 24 CFR 51E

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/12/85	

Small Entity: No

Agency Contact: James L. Christopulcs 202 755-7225

RIN: 2506-AA62

925. SITING OF HUD-ASSISTED PROJECTS NEAR HIGH PRESSURE GAS TRANSMISSION LINES (CPD-1-85)

CFR Citation: 24 CFR 51

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/12/85	

Small Entity: No

Agency Contact: James L. Christopulos 202 755-7225

RIN: 2506-AA63

926. SECTION 312 REHABILITATION LOAN PROGRAM (CPD-9-84; FR-1977)

Significance: Agency Priority

CFR Citation: 24 CFR 510

Completed:

Reason	Date	FR Cite
Final Action	09/25/85	50 FR 38789
Final Action Effective	10/30/85	

Small Entity: No

Agency Contact: William Hanson 202 755-6336

RIN: 2506-AA52

927. SPECIAL PROJECTS PROGRAM (CPD-5-82; FR-1554)

CFR Citation: 24 CFR 570.410

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/09/85	

Small Entity: No

Agency Contact: Yvette Aidara 202 755-8909

RIN: 2506-AA01

928. CDBG SECRETARY'S DISCRETIONARY FUND: INSULAR AREAS (CPD-6-83; FR-1822)

CFR Citation: 24 CFR 570.405; 24 CFR 570.430

Completed:

Reason	Date	FR Cite
Final Action	09/16/85	50 FR 37524
Final Action Effective	10/21/85	

Small Entity: Undetermined

Agency Contact: Hazel P. Braxton 202 755-6092

RIN: 2506-AA32

929. SECTION 108 LOAN GUARANTEE ASSISTANCE FEES (CPD-10-84; FR-1974)

CFR Citation: 24 CFR 570.703

Completed:

Reason	Date	FR Cite
Final Action	02/12/85	50 FR 5750
Final Action Effective	03/20/85	50 FR 5750

Small Entity: No

Agency Contact: Paul Webster 202 755-1871

RIN: 2506-AA59

930. CDBG PROGRAM FOR INDIAN TRIBES AND ALASKAN NATIVES (CPD-11-84; FR-2000)

Significance: Regulatory Program

CFR Citation: 24 CFR 571.302

Completed:

Reason	Date	FR Cite
Now RIN 2506-AA33	08/27/85	

Small Entity: No

Agency Contact: Leroy Gonnella 202 755-6092

RIN: 2506-AA56

931. URBAN HOMESTEADING (CPD-41-81; FR-1624)

CFR Citation: 24 CFR 590

Completed:

Reason	Date	FR Cite
Final Action	06/24/85	50 FR 25941
Final Action Effective	08/02/85	50 FR 25941

Small Entity: No

Agency Contact: Richard R. Burk 202 755-5324

RIN: 2506-AA20

[FR Doc. 85-21497 Filed 10-28-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings
Government National Mortgage Association (GNMA)

932. ● BOOK-ENTRY SECURITIES OF GNMA (GNMA-2-85)

Significance: Agency Priority

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 203

Abstract: The regulation will provide for utilization of a book-entry system to govern the issuance and custody of GNMA securities. The system allows for maintenance of records by an Agent Bank and utilization of wire transfers. Further, the book-entry system will curtail loss, theft and repeated pledging of GNMA securities.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Government National Mortgage Association, Office of Insured Housing and Finance, 202 755-7260

RIN: 2503-AA03

933. ● MORTGAGE-BACKED SECURITIES - REVISION TO DATE FOR FIRST MONTHLY PAYMENT TO PRINCIPAL AND INTEREST (GNMA-1-85; FR-2135)

Legal Authority: 12 USC 1719

CFR Citation: 24 CFR 0390

Abstract: This rule would make a technical change in 24 CFR 390.7 to accommodate the new automated system for handling the issuance of commitments to guarantee mortgage-backed securities. The current rule requires that mortgages in a pool of mortgages backing the issuance of guaranteed securities have a date for the first scheduled monthly payment of principal and interest, or date of purchase from an Association that is no more than twelve months before the date of issuance of the GNMA commitment. This rule would revise this requirement to provide that the date for the first scheduled monthly payment of principal and interest could be no more than 24 months before the issue date of the securities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Richard W. Dyas, Vice Pres., Office of Mortgage-Backed Secur., Department of Housing and Urban Development, Government National Mortgage Association, 202 755-8772

RIN: 2503-AA04

[FR Doc. 85-21497 Filed 10-28-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings
Office of Fair Housing and Equal Opportunity (FHEO)

934. NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES (FH&EO-4-84; FR-770)

Significance: Regulatory Program

Legal Authority: 29 USC 794; 29 USC 706

CFR Citation: 24 CFR 8

Abstract: Would add a new 24 CFR 8 Part to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
Final Action	01/00/86	

Small Entity: No

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529-AA26

935. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS AND ACTIVITIES CONDUCTED BY HUD (FH&EO-2-85)

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 8

Abstract: The Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978 extended the nondiscrimination mandate of Section 504 of the Rehabilitation Act of 1973 to programs or activities conducted by the Executive agencies. This rule would implement the mandate by tailoring regulations to the particular programs and activities conducted by HUD.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: David Enzel, Attorney Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529-AA28

936. PROCEDURE FOR PROCESSING COMPLAINTS UNDER SECTION 804 OF THE FAIR HOUSING ACT (FH&EO-6-84; FR-2012)

Significance: Regulatory Program

Legal Authority: 42 USC 3535 (d); 42 USC 3601 to 3619

CFR Citation: 24 CFR 105

Abstract: This rule would amend 24 CFR Part 105 which governs the procedure for processing complaints under section 810 of the Fair Housing Act.The proposed rule would reorganize the provisions of Part 105 and would add more specific descriptions of the procedures used to investigate fair housing complaints to make a determination to resolve matters raised in complaints and to try to eliminate and correct alleged discriminatory housing practices by one or more means.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	10/18/84	49 FR 40528
NPRM	10/16/84	49 FR 40528
NPRM Comment Period End	12/17/84	
Final Action	12/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: **Charles M. Farbstein,** Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, **202 755-5570**

RIN: 2529-AA24

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937. FAIR HOUSING-PROPERTY INSURANCE ACTIVITIES (FH&EO-10-78)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 114

Abstract: Would add a new Subpart H detailing HUD's general standards to be utilized by HUD concerning property insurance practices which could constitute discriminatory activities.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Katrina Ross,** Director, Fair Housing Enforcement Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing Enforcement, **202 755-5673**

RIN: 2529-AA10

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938. AMENDMENTS OF THE COMMUNITY HOUSING RESOURCE BOARD REGULATIONS (FH&EO-1-85; FR-2085)

Significance: Agency Priority

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 120

Abstract: This proposed rule would amend the current rule for the Community Housing Resources Board at 24 CFR 120. This rule would establish further program features, including provisions for grant administration and accountability monitoring.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: Includes FR-1407 (RIN-2529-AA06)

Agency Contact: **Deborah Seabron-Dickens,** Program Coordinator, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-5992**

RIN: 2529-AA27

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939. EMPLOYMENT TRAINING AND BUSINESS OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS (FH&EO-4-81)

Legal Authority: 12 USC 1701u; 42 USC 3535(d)

CFR Citation: 24 CFR 135

Abstract: This regulation implements the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects and for contracting opportunities for business concerns located in or owned in substantial part by persons residing in the area of HUD assisted projects.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Harold Payne,** Section 3 Coordinator, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc and Sec 3 Compliance, **202 755-5673**

RIN: 2529-AA15

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940. IMPLEMENTATION OF SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (FH&EO-13-78; FR-1058)

Significance: Agency Priority

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 144

Abstract: This regulation would assure nondiscrimination on the grounds of race, color, national origin, sex, handicap or age in any program funded in whole or in part with Community Development Block Grant Funds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Barry Anderson,** Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Program Compliance Division, **202 755-5404**

RIN: 2529-AA02

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941. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM HUD (FH & EO-1-79; FR-1161)

Legal Authority: 42 USC 6101

CFR Citation: 24 CFR 146

Abstract: This part sets forth policies and procedures to assure nondiscrimination on the basis of age in programs receiving financial assistance from the Department.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Myra B. Kennedy,** Equal Opportunity Specialist, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Program Compliance Division, **202 755-5904**

RIN: 2529-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Fair Housing and Equal Opportunity (FHEO)

Completed Actions

COMPLETED RULEMAKINGS

942. PROCEDURES FOR ENFORCEMENT OF COMPLAINTS AGAINST DISCRIMINATORY HOUSING PRACTICES (FH&EO-1-82)

CFR Citation: 24 CFR 105

Completed:

Reason	Date	FR Cite
Withdrawn Included in FR-2012	08/12/85	

Small Entity: No

Agency Contact: Katrina Ross 202 755-5673

RIN: 2529-AA03

943. NONDISCRIMINATION AND EQUAL OPPORTUNITY HOUSING UNDER EXECUTIVE ORDER 11063 (FH&EO-2-82; FR-2020)

CFR Citation: 24 CFR 107

Completed:

Reason	Date	FR Cite
Final Action	08/02/85	50 FR 31359
Final Action Effective	10/03/85	50 FR 31359

Small Entity: No

Agency Contact: Katrina Ross 202 755-5673

RIN: 2529-AA12

944. AFFIRMATIVE FAIR HOUSING, MARKETING TECHNICAL AMENDMENTS (FH&EO-2-83; FR-1670)

CFR Citation: 24 CFR 100; 24 CFR 108; 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/01/85	

Small Entity: No

Agency Contact: Peter Kaplan 202 755-7727

RIN: 2529-AA17

945. FAIR HOUSING-PROHIBITIONS AGAINST DISCRIMINATION (FH&EO-5-78)

CFR Citation: 24 CFR 114

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/01/85	

Small Entity: No

Agency Contact: Katrina Ross 202 755-5673

RIN: 2529-AA08

946. AFFIRMATIVE ADMINISTRATION OF FEDERAL PROGRAMS AND ACTIVITIES RELATING TO HOUSING AND URBAN DEVELOPMENT (FH&EO-11-78)

CFR Citation: 24 CFR 125

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/01/85	

Small Entity: No

Agency Contact: Peter Kaplan 202 755-7727

RIN: 2529-AA11

[FR Doc. 85-21497 Filed 10-28-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Administration (OA)

Current and Projected Rulemakings

947. HUD ACQUISITION REGULATION (ADM-2-84)

Legal Authority: 42 USC 3535 (d)

CFR Citation: 41 CFR 24; 48 CFR 24

Abstract: The rule will amend the HUD Acquisition Regulation to implement the Competition in Contracting Act.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Jr., Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, 202 755-5294

RIN: 2535-AA06

948. ● AMENDMENT OF THE HUD ACQUISITION REGULATIONS (ADM-5-85; FR-2131)

Legal Authority: 40 USC 486(c); 42 USC 3535(d)

CFR Citation: 48 CFR Chap. 24

Abstract: The rule would add Part 2452, Solicitation Provisions and Contract Clauses and Part 2453, Forms. When the original HUDAR was published in March, 1984, solicitation provisions and contract clauses were incorrectly placed, and no HUD forms were included at all.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/85	

Small Entity: No

Agency Contact: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, 202 755-5794

RIN: 2535-AA10

949. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all of the obsolete references. Neither one will have any significant costs; each will require a minimal

amount of staff time and Federal Register publication costs. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Donald C. Demitros, Director, Department of Housing and Urban Development, Office of Administration, Mortgage Insurance Accnt. & Serv., 202 755-5645

RIN: 2535–AA01

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950. ● ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF '82 (ADM-1-82; FR-1644)

Legal Authority: 42 USC 3711; 42 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17

Abstract: This rule would make final an interim rule published in 1984, which implemented the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346
Interim Rule Effective	10/10/84	49 FR 32346
Final Action	11/00/85	

Small Entity: No

Agency Contact: Samuel B. Rothman, Attorney Advisor, Department of Housing and Urban Development, Office of Administration, Office of Program Enforcement, 202 755-7184

RIN: 2535–AA09

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951. COST PRINCIPLES FOR NONPROFIT ORGANIZATIONS (ADM-1-85; FR-2044)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 44

Abstract: This rule would set forth uniform requirements for the administration of HUD grants and principles for determining costs applicable to activities assisted by HUD grants, as contained in OMB Circulars A-102, A-110, A-87, A-21, and A-122 regarding grant management.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, 202 755-5294

RIN: 2535–AA08

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952. ● AUDIT REQUIREMENTS FOR THE FAIR HOUSING ASSISTANCE PROGRAM AND THE COMMUNITY HOUSING RESOURCE BOARDS (ADM-4-85; FR-2140)

Legal Authority: 42 USC 3601 to 3619; 42 USC 3535(d)

CFR Citation: 24 CFR 111; 24 CFR 120

Abstract: Although OMB Circulars A-102 and A-87 are applicable by their language, to grant recipients under the Federal Housing Assistance Program, and although OMB Circulars A-110 and A-122 are applicable to grant recipients under the Community Housing Resource Board Program, the regulations governing these programs do not mention the applicability of the respective OMB Circulars. HUD therefore is proposing to amend the regulations for these two programs to specify the applicability of the respective OMB Circulars to grant recipients under these programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Charles M. Farbstein, Asst. General Counsel for Equal Opportunity, Department of Housing and Urban Development, Office of Administration, Office of Equal Opportunity and Admin. Law, 202 755-5570

RIN: 2535–AA11

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953. FEDERAL PROCUREMENT OF CEMENT CONTAINING FLY ASH (ADM-1-84; FR-1938)

Legal Authority: Resource Conservation And Recovery Act of 1936

CFR Citation: 24 CFR 570; 24 CFR 207

Abstract: Rule will provide restrictions on Federal procurement of cement and concrete containing fly ash. Will be patterned on Environmental Protection Agency guidelines.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, Office of Procurement And Contracts, 202 755-5294

RIN: 2535–AA05

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954. TRANSFER OF AUTHORITY TO SETTLE CONTRACT DISPUTES CONCERNING THE CONSOLIDATED SUPPLY PROGRAM (ADM-2-85; FR-2087)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 965

Abstract: Contracting authority for the Consolidated Supply Program (CSP) recently was transferred from the Office of Public and Indian Housing to the Office of Procurement and Contracts. One function - authority to settle dispute between HUD and CSP contractors - should also have been transferred to the Office of Procurement and Contracts. This rule transfers the authority.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Agency Contact: Edward L. Girovasi, Director, Policy and Evaluation Division, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, 202 755-5294

RIN: 2535–AA07

[FR Doc. 85-21497 Filed 10-28-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Inspector General (HUDIG)

Completed Actions

COMPLETED RULEMAKINGS

955. IMPLEMENTATION OF THE SINGLE AUDIT ACT OF 1984 (IG-1-85; FR-2075)

Significance: Agency Priority

CFR Citation: 24 CFR 44

Completed:

Reason	Date	FR Cite
Final Action	09/27/85	50 FR 39083
Final Action Effective	11/01/85	

Small Entity: No

Agency Contact: Steven A. Switzer 202 755-6364

RIN: 2508-AA05

[FR Doc. 85-21497 Filed 10-28-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Current and Projected Rulemakings

956. PET OWNERSHIP IN ASSISTED RENTAL HOUSING FOR THE ELDERLY AND HANDICAPPED (P-43-84; FR-1936)

Significance: Regulatory Program

Legal Authority: 12 USC 1701n-1; 42 USC 3535(d)

CFR Citation: 24 CFR 243; 24 CFR 511; 24 CFR 942

Abstract: Sec. 227 of the 1983 Statute permits tenants of rental housing projects for the elderly or handicapped to own common household pets. Owners, managers and housing authorities are prohibited from discriminating against persons in connection with admission to, or continued occupancy of, such housing because of ownership of pets. This rule would implement the statute and establish guidelines under which owners and managers of covered housing (1) may prescribe reasonable rules governing the keeping of common household pets and (2) must consult with tenants when prescribing the rules.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: Undetermined

Government Levels Affected: Local, State

Agency Contact: Mary Tracy Schulhof, Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Policy, **202 755-5989**

RIN: 2577-AA05

957. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.303; 24 CFR 965.304; 24 CFR 965.305; 24 CFR 965.307; 24 CFR 965.310; 24 CFR 965.401

Abstract: Rule amendment to allow PHAs to employ a more flexible cost-benefit analysis when determining the cost-effectiveness of individual metering of tenant utilities.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6649**

RIN: 2577-AA27

958. ● TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-3-85; FR-2138)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 904

Abstract: This would make miscellaneous amendments to the existing Turnkey III program regulations to facilitate program administration and to allow flexibility to address specific local problems. The amendments will clarify appropriate procedures to use when existing occupants are eligible to become homebuyers to facilitate the actual sales of the units.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Wayne Hunter, Senior Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, **202 755-6713**

RIN: 2577-AA34

959. INDIAN PREFERENCES (P-51-83; FR-1808)

Significance: Regulatory Program

Legal Authority: 42 USC 1437; 25 USC 450e(b)

CFR Citation: 24 CFR 905

Abstract: Section 7(b) of the Indian Self-Determination and Education Assistance Act requires that preference be given to the greatest extent feasible to Indian organizations and economic enterprises in contracting and to Indians in employment and training. The goal is to improve the provision of Indian preference in both development and management as compared to the current regulations implementing Indian preference.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: John V. Meyers, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Indian Housing, **202 755-1015**

RIN: 2577-AA26

960. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Significance: Agency Priority

Legal Authority: PL 98-181; 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units under the jurisdiction of any public housing agency that may be occupied by single persons. In addition, the rule changes the maximum percentage of income that recipients of the Section 8 Existing Housing Program may pay under their leases.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3970.

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, **202 426-0744**

RIN: 2577-AA07

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961. LOW-INCOME PUBLIC HOUSING-LEASE REQUIREMENTS, EVICTIONS AND HEARINGS (P-26-79; FR-1164)

Significance: Regulatory Program

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0744**

RIN: 2577-AA18

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962. TENANT PARTICIPATION IN MANAGEMENT OF PUBLIC AND INDIAN HOUSING PROJECTS (P-1-85; FR-2033)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; 42 USC 3535(d)

CFR Citation: 24 CFR 960

Abstract: This proposed rule would encourage Public Housing Agencies to recognize tenant organizations and to contract with tenant management organizations to perform one or more management functions. The proposal makes it clear that PHAs may provide funding to tenant organizations and that tenant management functions may be part of a proposal for funding under the Comprehensive Improvement Assistance Program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Government Levels Affected: Local

Agency Contact: Janice D. Rattley, Department of Housing and Urban Development, Office of Public and Indian Housing, Project Management Division, **202 755-1800**

RIN: 2577-AA30

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963. PUBLIC HOUSING PROGRAM-CONTINUED OPERATION OF PROJECTS AS LOWER-INCOME HOUSING AFTER COMPLETION OF DEBT SERVICE (P-60-79; FR-1202)

Legal Authority: 42 USC 1437; 42 USC 3535(d)

CFR Citation: 24 CFR 969

Abstract: A new Part 969 was added by Interim Rule to provide for an extension of Annual Contributions Contract (ACC) to permit continued payment of operating subsidy after completion of debt service; and to provide a contractual basis for continued operation as low-income housing. Permits operation of project as lower-income housing after completion of debt service in accordance with a plan approved by HUD.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Richard L. Rivard, Housing Management Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, **202 755-6640**

RIN: 2577-AA15

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964. PUBLIC HOUSING PROGRAM-DEMOLITION OF BUILDINGS OR DISPOSITION OF REAL PROPERTY (P-23-84; FR-1892)

Significance: Regulatory Program

Legal Authority: 42 USC 1439; PL 98-181

CFR Citation: 24 CFR 970

Abstract: The purpose of this regulation is to state requirements for the demolition or disposition of public housing. This regulation would supersede the existing regulation on this subject (24 CFR Part 970).

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Agency Contact: C. Wayne Hunter, Senior Policy Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Policy, **202 755-6713**

RIN: 2577-AA02

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965. MODIFICATION TO THE PERFORMANCE FUNDING SYSTEM (P-2-84; FR-1834)

Significance: Regulatory Program

Legal Authority: 42 USC 1437g; 42 USC 3535(d)

CFR Citation: 24 CFR 990

Abstract: This proposed rule would have required a year-end adjustment of dwelling rental and other income to allow public housing operating subsidy to properly reflect actual rather than anticipated income. The rule would also provide for simplification of the "delta," the factor used to determine the annual change in the "allowable expense level" in calculation of the amount of operating subsidy. The final rule would drop the adjustment of dwelling rental income.

Timetable:

Action	Date	FR Cite
NPRM	07/30/84	49 FR 30330
NPRM Comment Period Begin	07/30/84	49 FR 30330
NPRM Comment Period End	09/28/84	
Final Action	10/00/85	

Small Entity: No

Agency Contact: John Comerford, Chief, Financial Management Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-1872**

RIN: 2577-AA00

966. ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY - PERFORMANCE FUNDING SYSTEM (P-38-83; FR-1775)

Significance: Regulatory Program

Legal Authority: 42 USC 1437; 42 USC 3535(d)

CFR Citation: 24 CFR 990

Abstract: This rule establishes new conditions under which a Public Housing Agency may use a Projected Occupancy Percentage of less than 97% in computing its per-unit Operating Income Level under the Performance Funding System. A PHA that is defined as a low occupancy PHA is required to have a HUD-approved Comprehensive Plan which sets out strategies for increasing its occupancy rate to 97%. A low occupancy PHA with such a Plan may use its yearly, PHA-wide occupancy goal, rather than 97% to compute its Operating Income Level. A PHA with a high occupancy rate (equal to or greater than 97%) may use 97% as its Projected Occupancy Percentage in computing its per-unit Operating Income Level. These changes enable a PHA to maximize its total income by reducing its vacancies.

Timetable:

Action	Date	FR Cite
NPRM	05/31/84	49 FR 22663
NPRM Comment Period Begin	06/02/84	49 FR 22663
NPRM Comment Period End	07/02/84	
Interim Final Rule	06/24/85	50 FR 25951
Interim rule effective	08/02/85	50 FR 25951
Final Action	01/00/86	

Small Entity: No

Agency Contact: John T. Comerford, Chief, Financial Management Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-1872**

RIN: 2577-AA23

967. ● DISALLOWANCE OF LEGAL EXPENSES FOR SUITS AGAINST HUD IN CALCULATION OF OPERATING SUBSIDY (P-2-85; FR-2134)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990

Abstract: This proposed rule would provide that a PHA's legal expenses for litigation against HUD would not be an allowable expense in calculation of operating subsidy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Thomas Sherman, Director, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-5380**

RIN: 2577-AA33

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Existing Regulations Under Review

Office of Public and Indian Housing (PIH)

968. INDIAN HOUSING (P-31-82)

Significance: Regulatory Program

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 905

Abstract: This rule would delete excessive Federal requirement and assure that Indian housing activities are undertaken in the most cost-effective manner.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: John V. Meyers, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Indian Housing, **202 755-6522**

RIN: 2577-AA32

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Completed Actions

Office of Public and Indian Housing (PIH)

COMPLETED RULEMAKINGS

969. LOW-INCOME HOUSING--HOMEOWNERSHIP OPPORTUNITIES TURNKEY III PROGRAM (P-55-79; FR-563)

CFR Citation: 24 CFR 904

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	08/19/85	

Small Entity: No

Agency Contact: Wayne Hunter 202 755-6713

RIN: 2577-AA19

970. TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-7-83; FR-1695)

Significance: Regulatory Program

CFR Citation: 24 CFR 904

Completed:

Reason	Date	FR Cite
Withdrawn Included in FR-2138	06/28/85	

Small Entity: No

Agency Contact: Wayne Hunter 202 755-6713

RIN: 2577-AA25

971. PUBLIC HOUSING DEVELOPMENT; PROTOTYPE COSTS (P-64-84; FR 1975)

CFR Citation: 24 CFR 941.204

Completed:

Reason	Date	FR Cite
Final Action	05/13/85	50 FR 19927
Final Action Effective	06/24/85	50 FR 19927

Small Entity: Not Applicable

Agency Contact: Raymond W. Hamilton 202 426-0938

RIN: 2577-AA13

972. PERFORMANCE FUNDING SYSTEM (PFS) TREASURY FINANCIAL COMMUNICATIONS SYSTEM (TFCS) FOR DISBURSING OPERATING SUBSIDY PAYMENTS (P-47-84)

CFR Citation: 24 CFR 990

Completed:

Reason	Date	FR Cite
Included in RIN 2577-AA00 Description	08/14/85	

Small Entity: Undetermined

Agency Contact: Beverly B. Hardy 202 426-1872

RIN: 2577-AA06

973. ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY PERFORMANCE FUNDING SYSTEM-ENERGY CONSERVATION ADJUSTMENTS (P-26-83; FR-1747)

CFR Citation: 24 CFR 990

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	05/07/85	

Small Entity: No

Agency Contact: John T. Comerford 202 426-1872

RIN: 2577-AA24

[FR Doc. 85-21497 Filed 10-28-85; 8:45 am]

BILLING CODE 4210-01-T

Federal Register

Tuesday
October 29, 1985

Part X

Department of the Interior

Semiannual Regulatory Agenda

DOI

DEPARTMENT OF THE INTERIOR

Office of the Secretary

18 CFR Ch. IV

25 CFR Ch. I

30 CFR Chs. II, IV and VII

36 CFR Chs. I and XII

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between October 1985 and April 1986. A semiannual agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Agency Contact. General comments or inquiries relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Information Resources Management, Department of the Interior, at the address above or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review. Simultaneously the Department meets the requirement of the Regulatory Flexibility Act that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda. This incorporation of agendas is expressly allowed by Executive Order 12291.

DATED: August 23, 1985.

Joseph E. Doddridge, Jr.,

Deputy Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR (DOI) — Current and Projected Rulemakings

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

974. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; Sections 202, 203, and 204 of the Intergovernmental Cooperation; Act of 1968; Office of Federal Procurement Policy Act Amendments of 1983; 31 USC 6301 Federal Grant and Cooperative Agreement Act of 1977; 5 USC 301

CFR Citation: 43 CFR Not yet determined

Abstract: This Notice of Proposed Rulemaking proposes common regulations establishing consistency and uniformity among Federal agencies in the administration of grants to State, local, and federally recognized Indian tribal governments.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Colonel C. Armstrong, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-6431

RIN: 1090-AA11

975. NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE B PROCEDURES

Significance: Regulatory Program

Legal Authority: 33 USC 9651(c)(1) Comp Envir Rspnse, Compnstn & Liabty Act 1980

CFR Citation: 43 CFR 11

Abstract: CERCLA allows trustees of natural resources which have been damaged by a release of a hazardous substance to bring a claim against the responsible party. Section 301(c) requires the development of two sets of regulations. The Type A regulations will be composed of simplified procedures which require minimal field investigations. Type B regulations will include alternative protocols for the testing, sampling, and valuing of natural resource damages. This submission covers the Type B procedures.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/83	48 FR 1084
ANPRM Comment Period Begin	01/10/83	48 FR 1084
ANPRM Comment Period End	02/15/83	
Second ANPRM issued. Summary of comments provided and comment period reopened until 8/31/83	08/01/83	48 FR 34768
Comment period reopened until 5/31/85	01/11/85	50 FR 1550
NPRM	12/20/85	
NPRM Comment Period Begin	12/20/85	
NPRM Comment Period End	02/20/86	
Final Action	04/22/86	
Final Action Effective	05/22/86	

Small Entity: Undetermined

Agency Contact: Mr. Keith Eastin, Associate Solicitor/Enrgy and Resources, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets NW, Washington, DC 20240, 202 343-4803

RIN: 1090-AA06

976. NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE A PROCEDURES

Significance: Regulatory Program

Legal Authority: 33 USC 9651(c)(1) Comp Envir Rspnse, Compnstn & Liabty Act 1980

CFR Citation: 43 CFR 11

Abstract: CERCLA allows trustees of natural resources which have been damaged by a release of a hazardous substance to bring a claim against the responsible party. Section 301(c) requires the development of two sets of regulations. The Type A regulations will be composed of simplified procedures which require minimal field investigations. Type B regulations will include alternative protocols for the testing, sampling, and valuing of natural resource damages. This submission covers the Type A procedures.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/83	48 FR 1084
ANPRM Comment Period Begin	01/10/83	48 FR 1084
ANPRM Comment Period End	02/15/83	
Second ANPRM issued. Summary of comments provided and comment period reopened until 8/31/83	08/01/83	48 FR 34768
Comment period reopened until 5/31/85	01/11/85	50 FR 1550
NPRM	04/04/86	
NPRM Comment Period Begin	04/04/86	
NPRM Comment Period End	06/04/86	
Final Action	08/07/86	
Final Action Effective	09/07/86	

Small Entity: Undetermined

Agency Contact: Mr. Keith Eastin, Associate Solicitor/Energy and Resources, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets NW, Washington, DC 20240, 202 343-4803

RIN: 1090-AA07

977. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Abstract: This rule will implement changes made in the FAR as a result of the Competition in Contracting Act of 1984, P.L. 98-369.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/85	

Small Entity: No

Agency Contact: William Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090-AA08

978. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION (FAR)

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Abstract: This rule will implement changes in the FAR as a result of the Small Business and Federal Procurement Competition Enhancement Act of 1984, P.L. 98-577.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/01/85	

Small Entity: No

Agency Contact: William S. Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090-AA10

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

Completed Actions

COMPLETED RULEMAKINGS

979. ADMINISTRATIVE AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

Legal Authority: 5 USC 301

CFR Citation: 43 CFR 12

Abstract: This rule implements Government-wide requirements established by the Office of Management and Budget (OMB) under OMB Circulars for the administration of assistance agreements.

Timetable:

Action	Date	FR Cite
Final Action	02/14/85	50 FR 6176
Final Action Effective	03/18/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Ceceil Coleman, Grants Policy Specialist, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-6431

RIN: 1090-AA09

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Solicitor (OSOL)

Current and Projected Rulemakings

980. PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Deborah Ryan, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092-AA00

981. RECORDS AND TESTIMONY

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 2

Abstract: The Department's regulations implementing the Freedom of Information Act will be clarified and updated as appropriate under current law. An updated fee schedule to reflect the current costs of making records available to the public was published in final on July 18, 1985 (50 FR 29230).

Timetable:

Action	Date	FR Cite
NPRM	01/03/85	50 FR 286
NPRM Comment Period Begin	01/03/85	50 FR 286
NPRM Comment Period End	02/04/85	
Final Action fee schedule	07/08/85	50 FR 29230
NPRM other revisions	10/01/85	

Small Entity: No

Agency Contact: John D. Trezise, Assistant Solicitor, Department of the Interior, Office of the Solicitor, 18th & C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092-AA02

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Current and Projected Rulemakings

982. NONDISCRIMINATION ON THE BASIS OF HANDICAP

Significance: Agency Priority

Legal Authority: PL 95-602, Sec 504; 29 USC 794

CFR Citation: 43 CFR 17, Subpart B

Abstract: This rule will provide for the enforcement of section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap as applied to programs or activities conducted by the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	09/11/85	50 FR 37006
NPRM Comment Period Begin	09/11/85	
NPRM Comment Period End	11/11/85	
Final Action	12/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Joseph A. Canedo, Departmental Section 504 Program Manager, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-3669

RIN: 1091-AA01

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Existing Regulations Under Review

983. NONDISCRIMINATION ON THE BASIS OF AGE

Legal Authority: 42 USC 6101

CFR Citation: 43 CFR 17, Subpart C

Abstract: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 976
Begin Review	08/00/86	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 45 CFR 90 also applies. Originally scheduled: January 1979.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Spc., Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-4331

RIN: 1091-AA00

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Current and Projected Rulemakings

984. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201; 43 USC 1701

CFR Citation: 43 CFR 4, Subpart E

Abstract: Rulemaking has been initiated to revise existing rules to place time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: James R. Kleiler, Attorney Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA01

985. DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.1; 43 CFR 4.5; 43 CFR 4.27(b); 43 CFR 4.317; 43 CFR 4.832

Abstract: Existing regulations are being revised to clarify that the Secretary does not have power to exercise jurisdiction over matters before the Interior Board of Contract Appeals (IBCA), to establish procedures relating to the exercise of the Secretary's reserved powers over Office of Hearings and Appeals proceedings and to broaden and strengthen the general prohibition against ex parte communications in Office of Hearings and Appeals proceedings. The Office of Hearings and Appeals is also proposing to remove duplicative provisions regarding ex parte communications from the procedures for particular Office of Hearings and Appeals proceedings.

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 10996
NPRM Comment Period Begin	03/19/85	50 FR 10996
NPRM Comment Period End	04/18/85	
Final Action	10/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA12

986. ● SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 to 1196

Abstract: Regulations are being proposed to add procedures for hearings and appeals under the permanent regulatory program of the Surface Mining Control and Reclamation Act of 1977 (including review of approval or disapproval of applications for permits) and for the assessment of individual civil penalties under 30 USC 1268(f) and to make revisions to the existing regulations in 43 CFR Part 4, Subpart L.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, **703 235-3750**

RIN: 1094-AA23

987. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1275; 5 USC 301

CFR Citation: 43 CFR 4.1276

Abstract: The proposed rulemaking will revise existing rules to place time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: James R. Kleiler, Attorney-Adviser, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA10

988. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1294

Abstract: Revision of existing rule is proposed to more clearly define the conditions under which costs and expenses (including attorney's fees) may be awarded and to conform with a recent decision in which the United States Supreme Court held that absent some degree of success on the merits by a claimant, it is not "appropriate" for a court to award attorney's fees.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 21470
NPRM Comment Period Begin	05/24/85	50 FR 21470
NPRM Comment Period End	06/24/85	
Final Action	10/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA19

989. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.208, (New)

Abstract: The agency is investigating whether there is need for a new rule relating to disclaimers of devises under Indian wills.

Timetable:

Action	Date	FR Cite
Determination of Need begun 2/85	12/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA11

990. ● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 372a; 25 USC 373a

CFR Citation: 43 CFR 4.208

Abstract: The agency is proposing to add a new regulation to provide procedures to be followed when heirs in an Indian probate proceeding cannot be located.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3810

RIN: 1094-AA16

991. ● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.222

Abstract: The agency is proposing to amend its regulation concerning discovery procedures in Indian probate proceedings to conform more closely to procedures set forth in the Federal Rules of Civil Procedure.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3810

RIN: 1094-AA14

992. ● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.231(b); 43 CFR 4.236; 43 CFR 4.320(c); 43 CFR 4.323

Abstract: The agency is proposing that the transcription of hearings before administrative law judges (Indian probate), which is presently required in all cases, should be made discretionary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3810

RIN: 1094-AA15

993. TRIBAL ACQUISITION OF INTERESTS UNDER SPECIAL STATUTE

Legal Authority: 25 USC 2201 to 2210

CFR Citation: 43 CFR 4.300; 43 CFR 4.301; 43 CFR 4.302; 43 CFR 4.303; 43 CFR 4.304; 43 CFR 4.305; 43 CFR 4.306; 43 CFR 4.307; 43 CFR 4.308

Abstract: The Indian Land Consolidation Act (Act) was enacted on January 12, 1983, and changes existing law regarding the descent of Indian trust and restricted lands. The Act provides that certain undivided fractional interests in such lands can now be acquired by the tribe instead of descending by intestacy or devise. Existing regulations governing the probate of Indian lands by Indian Probate Judges must therefore be amended to conform with the Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	11/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3810

RIN: 1094-AA08

994. ● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.320(a)

Abstract: The agency is proposing to provide parties with 60 days from the date a decision or order of an administrative law judge (Indian probate) is mailed in which to file an appeal with the Board of Indian Appeals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3810

RIN: 1094-AA18

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Existing Regulations Under Review

995. ● DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4

Abstract: The Office of Hearings and Appeals is reviewing existing procedural regulations to change as necessary the title of the Interior Board of Land Appeals (IBLA) to the Interior Board of Land and Indian Appeals (IBLIA) to reflect the proposed consolidation of the functions of the Interior Board of Indian Appeals into IBLIA. The regulations are being reviewed for changes necessary to reflect the proposed transfer to IBLIA of the authority and review functions over appeals adjudicated by the Director or ad hoc appeals boards.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/85	
End Review	10/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Wm. Philip Horton, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3750

RIN: 1094-AA24

996. ● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.251

Abstract: The existing rule is under review to determine whether changes are needed in the priority of claims filed against Indian trust estates.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/85	
End Review	12/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Paul T. Baird, Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203, 703 235-3810

RIN: 1094-AA22

997. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.310(a)

Abstract: The existing rule is being reviewed to determine whether a change should be made to the effective date for filing a notice of appeal under 25 CFR 2.19, relating to appeals from decisions of officials of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/85	
End Review	12/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA17

998. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.340

Abstract: The existing rule is under review to determine whether to delete the requirement that copies of Board decisions be sent to parties by certified mail.

Timetable:

Action	Date	FR Cite
Begin Review	02/07/85	
End Review	12/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA13

999. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.413

Abstract: The agency is reviewing the rule to determine whether it should be revised to change the designation of the appropriate officer in the Solicitor's Office to receive service in administrative appeals from decisions of the Eastern States Office, Bureau of Land Management.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/85	
End Review	10/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: James R. Kleiler, Attorney Adviser, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094-AA20

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Completed Actions

COMPLETED REVIEWS

1000. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 to 1196

Abstract: To add procedures for hearings and appeals for proceedings under the permanent regulatory program of the Surface Mining Control and Reclamation Act of 1977 (including review of approval or disapproval of applications for permits) and for the assessment of individual civil penalties under 30 USC 1268(f) and to make revisions to the existing regulations in 43 CFR Subpart L.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	
End Review	09/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3750

RIN: 1094-AA21

1001. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 372a; 25 USC 373a

CFR Citation: 43 CFR 4.208

Abstract: The agency is reviewing the rule to determine whether it should be amended to provide procedures to be followed when heirs in an Indian probate proceeding cannot be located. The agency is also considering the possibility of adding a new regulation providing such procedures.

Timetable:

Action	Date	FR Cite
End Review	05/30/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA16

1002. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.222

Abstract: The agency is reviewing the rule to determine whether it should be amended to conform more closely to deposition provisions set forth in the Federal Rules of Civil Procedure.

Timetable:

Action	Date	FR Cite
End Review	05/09/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA14

1003. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.231(b)

Abstract: The agency is reviewing the rules to determine whether the transcription of hearings before administrative law judges (Indian probate), which is presently required in all cases, should be made discretionary.

Timetable:

Action	Date	FR Cite
End Review	05/30/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA15

1004. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.320(a)

Abstract: The agency is reviewing the rule to determine whether it should be amended to provide that parties have 60 days from the date a decision or order of an administrative law judge (Indian probate) is mailed in which to file an appeal with the Board of Indian Appeals.

Timetable:

Action	Date	FR Cite
End Review	05/09/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA18

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]
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DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Current and Projected Rulemakings

1005. NORTHWEST STEELHEAD AND SALMON CONSERVATION AND ENHANCEMENT GRANTS

Legal Authority: 16 USC 3301 to 3325; PL 96-561

CFR Citation: Not yet determined

Abstract: The Secretary of the Interior is authorized under PL 96-561 to establish a program to provide grants for projects for the enhancement of the salmon and steelhead resources of the Washington and Columbia River conservation areas. The Act authorizes $84,000,000 for salmon and steelhead enhancement in the two conservation areas. Comprehensive enhancement plans for the Washington and Columbia River conservation areas must be developed and agreed to by the States of Washington and Oregon and the treaty tribes, and approved by the Secretary before grants can be provided. Rules will be promulgated to administer the grant program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Joseph H. Kutkuhn, Associate Director - Federal Assistance, Department of the Interior, United States Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, **202 343-6394**

RIN: 1018-AA88

1006. SEIZURE AND FORFEITURE PROCEDURES

Legal Authority: 16 USC 1540; 16 USC 3371 to 3378

CFR Citation: 50 CFR 12

Abstract: This Part would be amended to apply customs laws to seizures and forfeitures incurred under the Lacey Act Amendments of 1981 and the Endangered Species Act, as authorized by both statutes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9242**

RIN: 1018-AA04

1007. GENERAL PERMIT PROCEDURES; IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 1540; 16 USC 703 to 712; 16 USC 668a

CFR Citation: 50 CFR 13; 50 CFR 14

Abstract: These various permit rules will be reviewed and amended, if necessary, to eliminate any unnecessary, burdensome, or counterproductive information collection.

Timetable:

Action	Date	FR Cite
NPRM	06/18/84	49 FR 24898
End Review	12/31/84	
Final Action	02/00/86	

Small Entity: No

Additional Information: As a result of the review of these 50 CFR Parts, the Service will initiate two rules. The first rule will deal with the establishment of "user Fees" for persons engaged in importing and exporting wildlife. A second rule appears above in RIN 1018-AA78.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9242**

RIN: 1018-AA75

1008. HUMANE TRANSPORT OF WILD ANIMALS AND BIRDS

Significance: Regulatory Program

Legal Authority: PL 97-79, 95 Stat. 1073

CFR Citation: 50 CFR 14

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild animals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting	02/26/82	47 FR 8386
Notice of Intent to propose Rules	06/30/82	47 FR 28431
NPRM	09/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA07

1009. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly issued by the Secretaries of the Interior and of Commerce. Such regulations will be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9242**

RIN: 1018-AA79

1010. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Supplemental Timetable:

Amargosa vole
NPRM 08/29/83 (48 FR 39090)
Final Action 11/15/84 (49 FR 45160)

Ash Meadows; one plant and seven insects
NPRM 10/13/83 (48 FR 46590)
Final Action 05/20/85 (50 FR 20777)

Bahama and Schaus swallowtail butterflies
NPRM 08/29/83 (48 FR 39096)
Final Action 08/31/84 (49 FR 34501)

Big Spring spinedace
NPRM 11/30/83 (48 FR 54082)
Final Action 03/28/85 (50 FR 12298)

Brown pelican
NPRM 11/10/83 (48 FR 51736)
Final Action 02/04/85 (50 FR 4938)

Fresno kangaroo rat
NPRM 11/21/83 (48 FR 52608)
Final Action 01/30/85 (50 FR 4222)

Gouania hillebrandii
NPRM 11/09/84 (49 FR 44753)
Final Action 00/00/00

Hau hele'ula
NPRM 09/12/83 (48 FR 40920)
Final Action 00/00/00

Heliotrope milk-vetch
NPRM 01/13/81 (46 FR 3188)
Final Action 00/00/00

Johnston's frankenia
NPRM 07/08/83 (48 FR 31414)
Final Action 08/07/84 (49 FR 31418)

Long haired phlox
NPRM 08/29/83 (48 FR 39093)
WITHDRAWN 03/28/85 (50 FR 12348)

Mariana Island species
NPRM 08/27/84 (49 FR 33881)
Final Action 00/00/00

Modoc sucker
NPRM 01/31/84 (49 FR 3892)
Final Action 06/11/85 (50 FR 24526)

Ozark cavefish
NPRM 01/31/84 (49 FR 3889)
Final Action 11/01/84 (49 FR 43965)

San Benito evening primrose
NPRM 10/31/83 (48 FR 50126)
Final Action 02/12/85 (50 FR 5755)

Silverling
NPRM 10/25/83 (48 FR 49316)
Final Action 00/00/00

Smoky madtom
NPRM 11/21/83 (48 FR 52612)
Final Action 10/26/84 (49 FR 43065)

Texas snowbells
NPRM 10/11/83 (48 FR 46086)
Final Action 10/12/84 (49 FR 40036)

Three Yaqui River fishes
NPRM 07/15/83 (48 FR 32527)
Final Action 08/31/84 (49 FR 34490)

Small Entity: No

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: John L. Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA10

1011. THREATENED WILDLIFE

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17, Subpart D

Abstract: At the request of State, Federal and private parties, the special rule on the American alligator, found in 50 CFR 17.42(a), will be reviewed in order to determine whether to revise or revoke certain prohibitions and procedures. Areas to be considered during the review include: present prohibitions on export of meat and parts other than hides; need for serially numbering each tag applied to hides; need for a Federal permit to kill alligators legally held under State Alligator Farmer permits; and use of data collected from reports required of permittees.

Timetable:

Action	Date	FR Cite
Notice of Intent	07/16/82	47 FR 31024
NPRM	10/23/84	49 FR 42954
NPRM Comment Period Begin	10/23/84	49 FR 42954
NPRM Comment Period End	11/23/84	
Final Action	03/00/86	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1937

RIN: 1018-AA60

1012. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Abstract: The Ninety-Seventh Congress of the United States enacted the 1982 amendments to the Endangered Species Act of 1973 providing for (1) the incidental taking of listed species and (2) prohibiting the removal and reduction to possession of listed plants from lands under Federal jurisdiction. These amendments require appropriate regulatory amendments.

Timetable:

Action	Date	FR Cite
NPRM	07/08/83	48 FR 31417
NPRM Comment Period Begin	07/08/83	48 FR 35973
NPRM Comment Period End	09/02/83	
Final Action	12/00/85	
Final Action Effective	01/00/86	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1937

RIN: 1018-AA64

1013. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1540

CFR Citation: 50 CFR 17

Abstract: Part 17 would be amended to implement provisions of the Endangered Species Act Amendments of 1982 on noncommercial transshipments of wildlife and pre-Act status.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-9242**

RIN: 1018-AA66

1014. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: Regulations will be developed to list, reclassify or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Supplemental Timetable:

Alabama beach mice (3 species)
NPRM 06/07/84 (49 FR 23794)
Final Action 06/06/85 (50 FR 23872)

Alligator snapping turtle
ANPRM 02/27/84 (49 FR 7416)
Final Action 00/00/00

Amber Darter
NPRM 07/13/84 (49 FR 28572)
Final Action 08/05/85 (50 FR 31597)

American Alligator
NPRM 06/20/84 (49 FR 25342)
Final Action 06/20/85 (50 FR 25672)

Beautiful goetzea
NPRM 06/18/84 (49 FR 24903)
Final Action 04/19/85 (50 FR 15564)

Blue Ridge goldenrod
NPRM 07/23/84 (49 FR 29629)
Final Action 03/28/85 (50 FR 12306)

Carex specuicola
NPRM 04/11/84 (49 FR 14406)
Final Action 05/08/85 (50 FR 19370)

Conasauga logperch
NPRM 07/13/84 (49 FR 28572)
Final Action 08/05/85 (50 FR 31597)

Desert dace
NPRM 05/29/84 (49 FR 22355)
Final Action 00/00/00

Desert pupfish
NPRM 05/16/84 (49 FR 20739)
Final Action 00/00/00

Fish Creek Springs tui chub
NPRM 06/06/84 (49 FR 23409)
Final Action 00/00/00

Flattened musk turtle
NPRM 04/05/84 (49 FR 13558)
Final Action 00/00/00

Foskett speckled dace
NPRM 04/17/84 (49 FR 15099)
Final Action 03/28/85 (50 FR 12302)

Hiko White River springfish
NPRM 05/07/84 (49 FR 19360)
Final Action 00/00/00

Hutton tui chub
NPRM 04/17/84 (49 FR 15099)
Final Action 03/28/85 (50 FR 12302)

Interior least tern
NPRM 05/29/84 (49 FR 22444)
Final Action 00/00/00

June Sucker
NPRM 07/02/84 (49 FR 27183)
Final Action 00/00/00

Key Largo woodrat and cotton mouse
NPRM 04/06/84 (49 FR 13720)
Final Action 08/31/84 (49 FR 34504)

Lakela's mint
NPRM 07/23/84 (49 FR 29632)
Final Action 05/15/85 (50 FR 20212)

Large flowered fiddleneck
NPRM 05/08/84 (49 FR 19534)
Final Action 05/08/85 (50 FR 19374)

Last chance townsendia
NPRM 05/29/84 (49 FR 22352)
Final Action 00/00/00

Maguire primrose
NPRM 04/13/84 (49 FR 14771)
Final Action 00/00/00

Mancos milk vetch
NPRM 06/28/84 (49 FR 26610)
Final Action 06/27/85 (50 FR 26568)

Niangua darter
NPRM 04/17/84 (49 FR 15102)
Final Action 06/12/85 (50 FR 24649)

Owens tui chub
Final Action (50 FR 31592)
NPRM 03/23/84 (49 FR 10959)

Pecos bluntnose shiner
NPRM 05/11/84 (49 FR 20031)
Final Action 00/00/00

Railroad Valley springfish
NPRM 04/17/84 (49 FR 15109)
Final Action 00/00/00

Rhizome fleabane
NPRM 04/24/84 (49 FR 17548)
Final Action 04/26/85 (50 FR 16680)

Sacramento Mountains thistle
NPRM 05/16/84 (49 FR 20735)
Final Action 00/00/00

San Mateo thornmint
NPRM 06/18/84 (49 FR 24906)
Final Action 00/00/00

Sonoran chub
NPRM 06/06/84 (49 FR 23402)
Final Action 00/00/00

Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
Final Action 00/00/00

Trispot Darter
NPRM 07/13/84 (49 FR 28572)
Final Action 00/00/00

Vahl's boxwood
NPRM 07/13/84 (49 FR 28580)
Final Action 00/00/00

Warner sucker
NPRM 05/21/84 (49 FR 21383)
Final Action 00/00/00

Welsh's milkweed
NPRM 06/06/84 (49 FR 23399)
Final Action 00/00/00

White River spinedace
NPRM 05/29/84 (49 FR 22359)
Final Action 00/00/00

White River springfish
NPRM 05/07/84 (49 FR 19360)
Final Action 00/00/00

Small Entity: Not Applicable

Additional Information: Originally scheduled: October 1984.

Agency Contact: John Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, **703 235-2771**

RIN: 1018-AA84

1015. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Supplemental Timetable:

Bay Checkerspot butterfly
NPRM 09/11/84 (49 FR 35665)
Final Action 09/00/85

Blackside dace
NPRM 09/04/84 (49 FR 34878)
Final Action 09/00/85

Florida pine rockland plants
NPRM 11/07/84 (49 FR 44507)
Final Action 07/18/85 (50 FR 29345)

Hawaiian gardenia
NPRM 10/12/84 (49 FR 40058)
Final Action 10/00/85

Inyo brown towhee
NPRM 11/25/84 (49 FR 46174)
Final Action 11/00/85

Maguire daisy
NPRM 07/27/84 (49 FR 30211)
Final Action 00/00/00

Miccosukee gooseberry
NPRM 08/31/84 (49 FR 34535)
Final Action 07/18/85 (50 FR 29338)

Northern flying squirrel
NPRM 11/21/84 (49 FR 45880)
Final Action 07/01/85 (50 FR 26999)

Piping plover
NPRM 11/08/84 (49 FR 44712)
Final Action 11/00/85

Ruth's golden aster
NPRM 11/20/84 (49 FR 45766)
Final Action 07/18/85 (50 FR 29341)

Short's goldenrod
NPRM 10/11/84 (49 FR 39873)
Final Action 10/00/85

Slender rush-pea
NPRM 11/21/84 (49 FR 45884)
Final Action 11/00/85

Tar River spiny mussel
NPRM 09/17/84 (49 FR 36418)
Final Action 06/27/85 (50 FR 26572)

Three Palau birds
NPRM 09/19/84 (49 FR 36665)
Final Action 09/00/85

Small Entity: Not Applicable

Additional Information: Originally scheduled: April 1985.

Agency Contact: John Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA85

1016. SOUTHERN SEA OTTER EXPERIMENTAL POPULATION

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Abstract: Regulations will be proposed to identify an experimental population for the southern sea otter (Euhydra lutris nereis) as provided by Section 19(j) of the 1982 amendments to the ESA. The experimental population designation will increase management flexibility to enhance the recovery effort for this species.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Undetermined

Agency Contact: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA87

1017. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Supplemental Timetable:

Achyranthes rotundata
NPRM 04/22/85 (50 FR 15764)
Final Action 04/00/86

Amargosa niterwort
NPRM 05/20/85 (50 FR 20814)
Final Action 05/00/86

Ash Meadows gumplant
NPRM 05/20/85 (50 FR 20814)
Final Action 05/00/86

Bay checkerspot butterfly
NPRM 03/14/85 (50 FR 10276)
Final Action 03/00/86

Canby's dropwort
NPRM 03/28/85 (50 FR 12345)
Final Action 03/00/86

Cochise pincushion cactus
NPRM 03/06/85 (50 FR 9083)
Final Action 03/00/86

Flagstaff pennyroyal
NPRM 03/28/85 (50 FR 12348)
Final Action 03/00/86

Fragrant prickly apple
NPRM 03/06/85 (50 FR 9089)
Final Action 03/06/86

Hymenoxys texana
NPRM 03/06/85 (50 FR 9095)
Final Action 03/00/86

Inyo brown towhee
NPRM 02/11/85 (50 FR 5647)
Final Action 02/00/86

Ivory-billed woodpecker
NPRM 04/10/85 (50 FR 14123)
Final Action 04/00/86

Jones cycladenia
NPRM 01/10/85 (50 FR 1247)
Final Action 01/10/86

Lanai sandalwood
NPRM 03/06/85 (50 FR 9086)
Final Action 03/00/86

Least Bell's vireo
NPRM 05/03/85 (50 FR 18968)
Final Action 05/00/86

Little Colorado spinedace
NPRM 05/22/85 (50 FR 21095)
Final Action 05/00/86

Long-haired phlox
NPRM 03/28/85 (50 FR 12348)
Final Action 03/00/86

Longspurred balm
NPRM 03/29/85 (50 FR 12587)
Final Action 03/00/86

Mauna Kea silversword
NPRM 03/06/85 (50 FR 9092)
Final Action 03/00/86

Minnesota trout lily
NPRM 05/03/85 (50 FR 18893)
Final Action 05/00/86

Northern aplomado falcon
NPRM 05/20/85 (50 FR 20810)
Final Action 05/00/86

Piping plover
NPRM 01/29/85 (50 FR 3940)
Final Action 01/00/86

Prickly-ash
NPRM 02/11/85 (50 FR 5647)
Final Action 02/00/86

Scrub balm
NPRM 03/29/85 (50 FR 12587)
Final Action 03/00/86

Tumamoc globe-berry
NPRM 05/20/85 (50 FR 20806)
Final Action 05/00/86

Small Entity: Not Applicable

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: John Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 6th Floor Broyhill (OES), Washington, DC 20240, 202 235-2771

RIN: 1018-AA95

1018. MARINE MAMMALS

Legal Authority: 16 USC 1382(a)

CFR Citation: 50 CFR 18

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: July 1980.

Agency Contact: Leroy Sowl, Chief, Division of Wildlife Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 632-2202

RIN: 1018-AA20

1019. MIGRATORY BIRD HUNTING

Significance: Agency Priority

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting regulations for the 1985-86 season. The documents consist of proposed frameworks providing outside limits for

dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
ANPRM	03/14/85	50 FR 10276
NPRM	07/05/85	50 FR 27638
NPRM Comment Period Begin	07/05/85	50 FR 27638
NPRM Comment Period End	07/15/85	
NPRM Late seasons	08/00/85	
Final Action	09/00/85	
Final Action Late seasons	09/00/85	
ANPRM 1986 - 1987 season	03/00/86	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Analysis: Preliminary RIA 03/00/84; Draft RFA 03/00/84

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 254-3207**

RIN: 1018-AA24

1020. ● NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Abstract: The Service, in coordination with the States, identifies areas of migratory bird hunting where the use of conventional lead shotshells results in lead poisoning of such birds and other wildlife. The Service will review existing nontoxic shot zones for the continued need for inclusion, and propose new areas for consideration as appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19248
NPRM	12/00/85	

Small Entity: No

Agency Contact: Rollin Sparrowe, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 536 Matomic, Washington, DC 20240, **202 254-3207**

RIN: 1018-AA93

1021. ● SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
NPRM	01/00/86	

Small Entity: Undetermined

Additional Information: This action will follow that in RIN 1018-AA90 that was listed in the Regulatory Program of the United States Government.

Agency Contact: Ronald Lambertson, Associate Director - Federal Assistance, Department of the Interior, United States Fish and Wildlife Service, Room 3252, Washington, DC 20240, **202 343-5333**

RIN: 1018-AA94

1022. ENDANGERED SPECIES CONVENTION

Legal Authority: 16 USC 1531 to 1543; TIAS 8249

CFR Citation: 50 CFR 23

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora will be clarified and revised to incorporate certain recommendations of the Parties.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14402
Final Action	10/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA29

1023. CONSERVATION EASEMENTS

Legal Authority: 16 USC 460k; 16 USC 668dd et seq

CFR Citation: 50 CFR 25

Abstract: This subpart will be revised to include new rules which govern non-Federal activities affecting conservation easements.

Timetable:

Action	Date	FR Cite
NPRM	04/25/84	49 FR 17778
Final Action	10/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018–AA38

1024. NATIONAL WILDLIFE REFUGES

Legal Authority: 16 USC 668dd et seq; Withdrawal Proclamation of 2/11/80, Sec 204(c) (45 FR 9562)

CFR Citation: 50 CFR 26, Subpart C

Abstract: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.

Timetable:

Action	Date	FR Cite
Emergency Rule	03/04/80	45 FR 14192
Rescind Emergency Rule	12/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: July 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018–AA35

1025. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26; 50 CFR 32; 50 CFR 33

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations, relating to public, access use, and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	07/03/84	49 FR 27334
NPRM Comment Period Begin	07/03/84	49 FR 27334
NPRM Comment Period End	08/02/84	
Final Action Hunting and Fishing	09/19/84	49 FR 36736
NPRM Public Entry and Use	12/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018–AA36

1026. MINERAL OPERATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd et seq

CFR Citation: 50 CFR 29, Subpart C

Abstract: This subpart will be revised to include new rules which govern mining on areas within the National Wildlife Refuge System.

Timetable:

Action	Date	FR Cite
NPRM	12/31/80	45 FR 86512
Final Action	02/00/86	

Small Entity: No

Additional Information: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 et seq. Originally scheduled: January 1981.

Agency Contact: James F. Gillett, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018–AA39

1027. MINERAL RIGHTS RESERVED AND EXCEPTED

Legal Authority: 16 USC 668(dd) National Wildlife Refuge System Admin Act

CFR Citation: 50 CFR 29.32, (Revision)

Abstract: Existing regulations will be revised to provide more comprehensive guidance on the procedures to be followed by persons conducting mineral exploration and/or development on National Wildlife Refuge System (NWRS) lands where the mineral rights are vested in other parties. Such operations were conducted on 47 NWRS units in 11 states during 1984. The purpose of the new rule will be to protect NWRS resources to the maximum extent possible without infringing upon the rights of the subsurface owners. Similar regulations of the National Park Service (36 CFR 9.30) and the Forest Service (36 CFR 251.15) will be considered in developing the NWRS regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20814
ANPRM Comment Period Begin	05/20/85	50 FR 20814
ANPRM Comment Period End	07/05/85	
NPRM	12/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	02/00/86	
Final Action	03/04/86	
Final Action Effective	04/03/86	

Small Entity: Undetermined

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018–AA86

1028. HUNTING

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	06/04/85	50 FR 23470
NPRM Comment Period Begin	06/04/85	50 FR 23470
NPRM Comment Period End	07/05/85	
Final Action for 1985 changes	09/00/85	
NPRM for 1986 changes	07/00/86	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA71

1029. ADDITION OF TWENTY-ONE NATIONAL WILDLIFE REFUGES TO THE LISTS OF OPEN AREAS FOR MIGRATORY GAME BIRD HUNTING, UPLAND GAME HUNTING, BIG GAME HUNTING, AND/OR SPORT FISHING

Legal Authority: 16 USC 460(k) Refuge Recreation Act of 1962; 16 USC 668(dd) National Wildlife Refuge System Admin Act of 1966

CFR Citation: 50 CFR 32

Abstract: Before new hunting and fishing opportunities are initiated on national wildlife refuges, the refuge is listed in 50 CFR Sections 32.11, 32.21, 32.31, and/or Section 33.4.

Regulations will be proposed that would add the following National Wildlife Refuges (NWR) to the lists of open areas: Migratory game bird hunting - Buffalo Lake NWR, TX; San Bernardino NWR, AZ; Union Slough NWR, IA; Harbor Island NWR, MI; and Bogue Chitto NWR, MS: Upland Game Hunting - San Bernardino NWR, AZ; Buffalo Lake NWR, TX; Union Slough NWR, IA; Harbor Island NWR, MI; and Bogue Chitto NWR, MS: Big Game Hunting - Columbia White-tailed Deer NWR, WA; Buffalo Lake NWR, TX; Union Slough NWR, IA; Harbor Island NWR, MI; Bogue Chitto NWR, MS; and Back Bay NWR, VA: Sport Fishing - Columbia White-tailed Deer NWR, WA; Lower Suwannee NWR, FL; Cedar Keys NWR, FL; Pelican Island NWR, FL; Hobe Sound NWR, FL; Egmont Key NWR, FL; Pinellas NWR, FL; Bon Secour NWR, AL; Wheeler NWR, AL; Blackbeard Island NWR, GA; Harris Neck NWR, GA; Tybee NWR, GA; Wassaw NWR, GA; Wolf Island NWR, GA; and Pinkney Island NWR, SC.

Timetable:

Action	Date	FR Cite
NPRM	05/16/85	50 FR 20462
NPRM Comment Period Begin	05/16/85	50 FR 20462
NPRM Comment Period End	06/17/85	
Final Action	10/15/85	

Small Entity: Undetermined

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA89

1030. ALASKA NATIONAL WILDLIFE REFUGES

Legal Authority: 43 USC 1621(g)

CFR Citation: 50 CFR 36

Abstract: A new Subpart F will be added and will contain regulations for certain lands within and/or adjacent to certain National Wildlife Refuges in Alaska pursuant to Section 22(g) of the Alaska Native Claims Settlement Act of 1971.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA83

1031. ALASKA NATIONAL WILDLIFE MONUMENTS

Legal Authority: 16 USC 432; 16 USC 742(f); 16 USC 460(k)(3); Presidential Proclamations of 12/1/78 (43 FR 57009); 16 USC 3101

CFR Citation: 50 CFR 96 to 106

Abstract: These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	06/28/79	44 FR 37754
Withdraw Proposed Rules	12/00/85	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979. Originally scheduled: July 1979.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA55

1032. ALASKA NATIONAL WILDLIFE MONUMENTS: MINERALS MANAGEMENT

Legal Authority: 16 USC 432; 16 USC 742(f); 30 USC 21 et seq; Presidential Proclamations of 12/1/78 (43 FR 57019, 57119); 30 USC 612; 16 USC 3101

CFR Citation: 50 CFR 107

Abstract: This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	01/11/80	45 FR 2616
Withdraw Proposed Rules	12/00/85	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980. Originally scheduled: January 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA56

1033. ENDANGERED SPECIES: INTERAGENCY COOPERATION

Significance: Regulatory Program

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 402

Abstract: The Endangered Species Act Amendments of 1978, 1979 and 1982 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the amendments and incorporating other procedural changes designed to improve interagency cooperation.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31275
Final Action	11/00/85	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: John L. Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA00

DEPARTMENT OF THE INTERIOR (DOI) Completed Actions

United States Fish and Wildlife Service (FWS)

COMPLETED RULEMAKINGS

1034. GENERAL PROVISIONS: DEFINITIONS

Legal Authority: 16 USC 704; 16 USC 712

CFR Citation: 50 CFR 10, Subpart B

Abstract: The list of migratory birds found at 50 CFR 10.13 would be amended by adding formerly unprotected species which are covered by the convention concluded with the Union of Soviet Socialist Republics for conservation of migratory birds and their environment. Also, the laughing gull, which was inadvertently omitted when the list was last revised, would be restored. Several species of birds belonging to groups protected under conventions concluded with Canada and Mexico have recently been found in the United States and would also be added to the list. The Mexican duck, which is no longer found in the United States, would be deleted from the list; Mexican-like ducks which are found in the Southwestern United States would continue to be protected as hybrids of the mallard, a migratory bird.

Timetable:

Action	Date	FR Cite
NPRM	06/05/84	49 FR 23197
NPRM Comment Period Begin	06/06/84	
NPRM Comment Period End	08/06/84	
Final Action	04/05/85	50 FR 13708
Final Action Effective	05/06/85	50 FR 13708

Small Entity: No

Additional Information: Originally scheduled: July 1980.

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 254-3207

RIN: 1018-AA02

1035. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Timetable:

Action	Date	FR Cite
Withdrawn	03/28/85	50 FR 12348

Supplemental Timetable:

Flagstaff pennyroyal

NPRM 06/29/83 (48 FR 29929)

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: John L. Spinks, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA12

1036. PUBLIC ENTRY

Legal Authority: 16 USC 460k

CFR Citation: 50 CFR 26, Subpart B

Abstract: The Service will periodically review and amend, as necessary, regulations governing public access, use, and recreation for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9300
Final Action	06/03/85	50 FR 23309
Final Action Effective	07/03/85	50 FR 23309

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA69

1037. SPORT FISHING

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 33

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations relating to sport fishing will be issued for national wildlife refuges. Special regulations for specific refuges will also be issued governing sport fishing.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 7079
NPRM Comment Period Begin	02/20/85	50 FR 7079
NPRM Comment Period End	04/08/85	
Final Action	07/23/85	50 FR 29972

Small Entity: No

Additional Information: Originally scheduled: October 1982.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA50

COMPLETED REVIEWS

1038. FEATHER IMPORT QUOTAS

Legal Authority: 19 USC 1202 Headnote 2(d),Tariff Schedules of the U.S.

CFR Citation: 50 CFR 15

Abstract: This rule, which is scheduled for review, contains annual quotas on the importation of skins bearing feathers of the mandarin duck and five species of pheasants, and methods for allocation of the annual import quotas. The quotas are mandated by the Tariff Classification Act of 1962.

Timetable:

Action	Date	FR Cite
End Review	08/05/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Thomas Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA77

1039. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: 50 CFR 17.21(g), Captive-bred Wildlife, provides regulatory relief for activities that enhance the propagation or survival of living, captive-bred, exotic species listed as endangered and born in the U.S. There is also a provision by which certain specifically situated native species may be eligible. The Service recognizes that a number of native species that do not presently qualify for the benefits of this regulation are specifically situated such that their continued survival would be enhanced by being qualified; therefore, the Service will propose to establish criteria by which species are to be so qualified.

Timetable:

Action	Date	FR Cite
End Review	07/30/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1982.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA19

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]
BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

1040. CRITERIA FOR DETERMINATIONS OF ADVERSE IMPACT UNDER SECTION 165(D)(2)(C)(II) AND (III) OF THE CLEAN AIR ACT

Significance: Regulatory Program

Legal Authority: 42 USC 7475(d)

CFR Citation: Not yet determined

Abstract: Under the Clean Air Act, the Department of the Interior, as Federal Land Manager, has the affirmative responsibility to protect the air quality related values of its class 1 areas and to consider whether proposed new major sources of air pollution will have an adverse impact on these values. The Department has developed and applied "working" criteria for making adverse impact determinations in several cases since 1982. Both industry and environmental groups have commented on the "working" criteria and requested further rulemaking action on the criteria. In response to these requests, this rulemaking action would solicit public input on the working definitions as well as related technical and legal issues.

The Notice of Intent will ask several questions. The answers to these questions will be useful in determining alternatives and potential costs and benefits.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	
ANPRM Comment Period Begin	10/00/85	
ANPRM Comment Period End	12/00/85	
NPRM	00/00/00	
NPRM Comment Period Begin	00/00/00	
NPRM Comment Period End	00/00/00	
Interim Final Rule	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Undetermined

Additional Information: This action is carried as RIN 1093-AA02 in the Regulatory Program of the United States Government.

Agency Contact: Molly N. Ross, Assistant Division Chief, Department of the Interior, National Park Service, Air Quality Division, 18th & C Streets, NW, Room 3021, Washington, DC 20240, **202 343-4911**

RIN: 1024-AB40

1041. CATOCTIN MOUNTAIN PARK: POSSESSION OF WEAPONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR Not yet determined

Abstract: This proposed rulemaking pertains to Catoctin Mountain Park in Maryland. The rulemaking will prohibit,

with exceptions, the possession of weapons, whether loaded or unloaded, within the park.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	
ANPRM Comment Period Begin	10/00/85	
NPRM	11/00/85	
ANPRM Comment Period End	12/00/85	

Small Entity: Undetermined

Additional Information: It has been determined that this regulation is necessary for the protection and security of the President of the United States while he is at Camp David.

Agency Contact: Lowell Sturgill, Associate Regional Director, Operations, Department of the Interior, National Park Service, Air Quality Division, 18th & C Streets, NW, Room 3021, Washington, DC 20240, 202 426-6653

RIN: 1024-AB05

1042. GENERAL PROVISIONS RESOURCE PROTECTION, PUBLIC USE AND RECREATION BOATING AND WATER USE ACTIVITIES

Legal Authority: 16 USC 1; 16 USC 1a to 2(h); 16 USC 3

CFR Citation: 36 CFR 1; 36 CFR 2; 36 CFR 3

Abstract: The service completed a major revision of these regulations in April 1984. A thorough review of the regulations will be conducted after the 1984 visitor use season, leading to minor revisions and further refinements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, Interior Building, 18th and C Streets, NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB09

1043. VEHICLES AND TRAFFIC SAFETY

Significance: Agency Priority

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 4

Abstract: The service proposes to review and revise the regulations in this part, which has not undergone major revision since 1966. Revisions are expected, at a minimum, to reflect the abolishment of management categories, to provide for consistency with state vehicle codes and to strengthen the regulation pertaining to driving under the influence of alcohol or drugs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, 18th and C Streets, NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB06

1044. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Abstract: This rule will define the Statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve.

Timetable:

Action	Date	FR Cite
NPRM	11/12/81	46 FR 55709
Final Action	10/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, 404 242-4916

RIN: 1024-AA07

1045. FIRE ISLAND NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.

Timetable:

Action	Date	FR Cite
NPRM	07/25/83	48 FR 33722
Final Action	10/00/85	

Small Entity: No

Additional Information: Originally scheduled: October 1981.

Agency Contact: Len Frank, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, 617 223-3765

RIN: 1024-AA14

1046. ZION NATIONAL PARK: TRUCKING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Abstract: The Service is proposing to review existing trucking regulations for Zion National Park. These rules will adjust times, conditions and costs for truck convoys on the Zion-Mt. Carmel tunnel road to accommodate the safe use of park roads by visitors and to recover the costs of convoy services. The alternative to this rule is to leave existing provisions in place with no cost recovery and continuing public safety problems.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20111
NPRM Comment Period Begin	05/14/85	50 FR 20111
NPRM Comment Period End	06/13/85	
Final Action	10/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: John Chapman, Department of the Interior, National Park Service, Rocky Mountain Regional Office, P.O. Box 25287, Denver, CO 80225, 303 234-3068

RIN: 1024-AA78

1047. NEW RIVER GORGE NR: HUNTING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Abstract: The regulation pertains to the New River Gorge National River located in West Virginia. This regulation would allow hunting on those lands and waters administered by the National Park Service as part of the New River Gorge National River area. This regulation is consistent with the park enabling legislation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA86

1048. UPPER DELAWARE SRR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This regulation pertains to the Upper Delaware Scenic and Recreation River in New York State. The final regulations published on June 30, 1983 prohibit certain fishing methods that are allowed by New York State law. This proposed regulation would authorize fishing in any manner consistent with existing State law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7075

RIN: 1024-AA87

1049. NEW RIVER GORGE NR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This regulation pertains to the New River Gorge National River located in West Virginia. The final regulations published on June 30, 1983 prohibit certain fishing methods and the taking of certain species that are allowed by the laws of West Virginia. This regulation would authorize the use of those fishing methods and the taking of those fish species consistent with West Virginia law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA88

1050. DELAWARE WATER GAP NRA: COMMERCIAL VEHICLE FEES

Significance: Agency Priority

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This regulation affects the Delaware Water Gap National Recreation Area and that portion of Route 209 that passes through the park. Interim commercial vehicle fees for Route 209 have been in effect since October 14, 1983. This regulation will establish revised fees.

Timetable:

Action	Date	FR Cite
NPRM	10/14/83	48 FR 46779
NPRM	01/08/85	50 FR 973
NPRM Comment Period Begin	01/08/85	50 FR 973
NPRM Comment Period End	02/07/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA99

1051. APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, WV 25425, 304 535-2346

RIN: 1024-AB07

1052. ● CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Brian McHugh, Chief Park Ranger, Department of the Interior, National Park Service, Cuyahoga Valley NRA, 15610 Vaughn Road, Brecksville, Ohio 44141, 216 526-5256

RIN: 1024-AB44

1053. ● CANYON DE CHELLY NATIONAL MONUMENT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Abstract: This proposed rulemaking will establish criteria for the operation of horse rental facilities within Canyon De Chelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, **505 988-6371**

RIN: 1024–AB47

1054. FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and Conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and Conch and to update boundary changes mandated by Congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AA96

1055. BLUE RIDGE PARKWAY: COMMERCIAL VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.34(f),(g)

Abstract: The service proposes to delete these two sections which are duplicated by provisions found in 36 CFR parts 1 and 5.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Gary Everhardt, Superintendent, Department of the Interior, National Park Service, 700 Northwestern Bank Bldg., Asheville, NC 28801, **704 259-0351**

RIN: 1024–AB36

1056. ● BUFFALO NATIONAL RIVER: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.35

Abstract: The proposed rule will allow fishing activities within Buffalo National River to continue in the traditional manner. It will permit gigging of rough fish, noncommercial capture of bait fish using traps or seines, and fishing with set lines or trotlines. It will also allow the possession and collection of terrestrial and aquatic insects by hand or hand-held net for use as bait. It will allow the possession and collection by hand-held net or seine of crayfish for consumption or bait.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Sante Fe, NM 87501, **505 988-6371**

RIN: 1024–AB49

1057. MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AA94

1058. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: James L. Isenogle, Superintendent, Department of the Interior, National Park Service, Jean Lafitte National Historical Park, 423 Canal Street, Rm. 206, New Orleans, LA 70130, **504 589-3882**

RIN: 1024–AB33

1059. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AB10

1060. ● LAKE MEAD NATIONAL RECREATION AREA: NOISE ABATEMENT EXEMPTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.48 (i)

Abstract: The proposed rulemaking pertains to Lake Mead National Recreation Area, located in Arizona and Nevada. It would allow motor vessels to exceed existing noise limitations while participating in regattas; thereby, making possible the continuation of a traditional activity.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: Newton Sikes, Chief Ranger, Department of the Interior, National Park Service, 601 Nevada Hwy., Boulder City, NV 89005, 702 293-9041

RIN: 1024-AB50

1061. CURECANTI RECREATION AREA: GRAZING AND HAYING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.51 (f)

Abstract: This proposed rulemaking pertains to Curecanti National Recreation Area located in Colorado. The rulemaking will establish criteria for authorized use of certain areas for the grazing of livestock and haying of irrigated meadows as part of the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 105, Public Law 485).

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024-AB11

1062. CURECANTI RECREATION AREA: POWERLESS FLIGHT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.51(e)

Abstract: This proposed rulemaking pertains to Curecanti National Recreation Area in Colorado. The rulemaking will establish criteria for the operation or use of hang gliders and balloons designed for powerless flight consistent with Department of the Interior and National Park Service policies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024-AB12

1063. CURECANTI RECREATION AREA: OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.51 (d)

Abstract: This proposed rulemaking pertains to Curecanti National Recreation Area located in Colorado. The rulemaking will establish criteria for the operation of vehicles in off-road situations consistent with existing Executive Order 11644 and National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024-AB27

1064. COULEE DAM RECREATION AREA: TRAPPING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.55

Abstract: The Service proposes to regulate trapping activities in accordance with State law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Gordon Boyd, Chief Park Ranger, Department of the Interior, National Park Service, P.O. Box 37, Coulee Dam, WA 99116, 509 633-0991

RIN: 1024-AB14

1065. COULEE DAM RECREATION AREA OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.55

Abstract: The Service proposes to establish a regulation designating routes for ORV use.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Gordon Boyd, Chief Park Ranger, Department of the Interior, National Park Service, P.O. Box 37, Coulee Dam, WA 99116, 509 633-0991

RIN: 1024-AB15

1066. LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period Begin	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	
Final Action	11/00/85	

Small Entity: Undetermined

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades National Park, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024-AB19

1067. LAKE CHELAN NRA: FIREWOOD MANAGEMENT

Legal Authority: 16 USC 3; 16 USC 90c-1

CFR Citation: 36 CFR 7.62

Abstract: The Service proposes to develop regulations to implement a Firewood Management Program at Lake Chelan NRA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Casades NP, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024–AB30

1068. ROSS LAKE NRA: AIRCRAFT USE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Abstract: This regulation will allow aircraft to utilize the water surface of Ross Lake within the park boundaries.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19547
NPRM Comment Period Begin	05/09/85	50 FR 19547
NPRM Comment Period End	06/10/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades National Park, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024–AB20

1069. ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period Begin	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	
Final Action	11/00/85	

Small Entity: Undetermined

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades National Park, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024–AB28

1070. ROCKY MOUNTAIN NP: MOUNTAIN CLIMBING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7 (d)

Abstract: This deletion affects Rocky Mountain National Park in Colorado. Section 7.7 (d) will be deleted so that Rocky Mountain National Park will be in line with several other National Parks with significant technical climbing and no required registration check in/check out.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024–AB16

1071. ROCKY MOUNTAIN NP: WINTER BACKCOUNTRY TRIPS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7 (e)

Abstract: This deletion affects Rocky Mountain National Park in Colorado. Section 7.7 (e) will be deleted so that Rocky Mountain National Park will be in line with several other National Parks that do not require check out for overnight winter camping.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024–AB17

1072. GLEN CANYON NATIONAL RECREATION AREA, DESIGNATED AIRSTRIPS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.70(a)(1)

Abstract: This action is proposed to delete a reference to an airstrip at Wahweap which was closed by FAA in 1982 because of accidents and potential hazards to an adjacent residential area. Alternate landing facilities are available seven miles away.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: John Ritenour, Chief, Resource Mngmt & Visitor Protection, Department of the Interior, National Park Service, Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040, 602 645-2471

RIN: 1024–AB24

1073. DELAWARE WATER GAP NRA: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.71

Abstract: Final regulations published June 30, 1983 in the Federal Register prohibit several fishing methods that are authorized by State laws in Pennsylvania and New Jersey. This proposed regulation affects the Delaware Water Gap National Recreation Area and would allow fishing in any manner consistent with the State laws of Pennsylvania and New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024–AA98

1074. BUCK ISLAND REEF NM: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Abstract: This proposed regulation pertains to Buck Island Reef National Monument and would establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AA93

1075. BUCK ISLAND REEF NM: SUBMERGED FEATURES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Abstract: This regulation pertains to Buck Island Reef National Monument and would protect coral formations from damage by park visitors.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AA97

1076. VIRGIN ISLANDS NP: BOATING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish a permit system relating to mooring of boats, length of stay and other criteria.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AB00

1077. VIRGIN ISLANDS NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AB01

1078. PADRE ISLAND NATIONAL SEASHORE: EMERGENCY VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.75(a)(2)(v)

Abstract: The final regulations published on June 30, 1983 in the Federal Register adequately cover the provision found in 36 CFR 7.75(a)(2)(v). The new Section reference will be found in 36 CFR 1.2(e) when the final regulations become effective. Section 7.75(a)(2)(v) will then be deleted. This deletion affects Padre Island National Seashore.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Agency Contact: William M. Lukens, Jr., Superintendent, Department of the Interior, National Park Service, Padre Island, NS, 9405 S. Padre Island Dr., Corpus Christi, TX 78418, **512 937-2621**

RIN: 1024-AB03

1079. PADRE ISLAND NATIONAL SEASHORE: HUNTING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.75(b)

Abstract: The service proposes to revise this section to further define where hunting is allowed and how duck blinds may be used.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: William M. Lukens, Jr., Superintendent, Department of the Interior, National Park Service, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, TX 78418, **512 937-2621**

RIN: 1024-AB22

1080. GOLDEN GATE NRA: PETS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.79

Abstract: The service proposes to establish pet policies and restrictions at Golden Gate NRA in addition to those contained in 36 CFR 2.15.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Gil Soper, Chief, Ranger Activities, Department of the Interior, National Park Service, Building 201, Fort Mason, San Francisco, CA 94124, **415 556-0560**

RIN: 1024-AB31

1081. INDIANA DUNES NL: ALCOHOLIC BEVERAGES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.88(b)

Abstract: This proposed rulemaking would prohibit the possession and use of alcoholic beverages within the confines of all swimming beaches at Indiana Dunes National Lakeshore.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: James R. Walker, Visitor Services Specialist, Department of the Interior, National Park Service, Midwest Region, 1709 Jackson St., Omaha, NE 68102, **402 221-3475**

RIN: 1024–AB25

1082. ST. CROIX NSR: WATER USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.9(a)(3),(4)

Abstract: This revision would change established beginning and ending dates for water skiing at St. Croix National Scenic Riverway from Memorial Day through Labor Day to the period May 15th through September 15th. This rulemaking would also change the southern limit from mile 24.5 to 1 mile 25.0.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: James R. Walker, Visitor Services Specialist, Department of the Interior, National Park Service, Midwest Region, 1709 Jackson St., Omaha, NE 68102, **402 221-3475**

RIN: 1024–AB08

1083. ● WHISKEYTOWN NATIONAL RECREATION AREA: GOLD-PANNING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Abstract: The proposed rulemaking pertains to Whiskeytown National Recreation Area in California and would allow the panning of gold using only historical implements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, P.O. Box 188, Whiskeytown, CA 96095, **916 241-6584**

RIN: 1024–AB45

1084. NATIONAL CAPITAL REGION: SPECIAL REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 50; 36 CFR 7.96; 36 CFR 7.99

Abstract: This deletion affects National Capital Region. Part 50 will be deleted and regulations peculiar to this region will be incorporated in revisions to Part 7. 7.96 will address special regulations in those NPS areas within the District of Columbia. 7.99 will address special regulations in NPS areas in the District of Columbia, Maryland and Virginia.

The National Capital Region will then use the same general regulations as the rest of the NPS.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Lowell Sturgill, Associate Regional Director, Operations, Department of the Interior, National Park Service, National Capital Region, 1100 Ohio Drive, SW, Washington, DC 20242, **202 426-6658**

RIN: 1024–AB29

1085. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AA89

1086. CONCESSIONER CHILD LABOR

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 8.4

Abstract: It is proposed to amend 36 CFR by deleting Section 8.4, Child Labor, which prohibits a person under 16 years of age to be employed by a concessioner. This action will allow National Park Service concessioners to employ minors in accordance with Federal or State labor laws applicable in the state of employment. This action is without cost to any party but will benefit children and concessioners by permitting concessioners to employ children between the ages of 14 and 16. It will benefit parents working for a concessioner by enabling the concessioner to employ their children under the age of 16 who otherwise may be unemployed or would need to be transported to a place of working outside a national park area, sometimes a considerable distance. The only other alternatives are to delete only the first sentence of Subsection 8.4 or leave the current regulation as is.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19548
NPRM Comment Period Begin	05/09/85	50 FR 19548
NPRM Comment Period End	06/10/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: James A. Owen, Concessions Analyst, Department of the Interior, National Park Service, Washington, DC 20240, **202 523-1741**

RIN: 1024–AB34

1087. MANAGEMENT OF MINING CLAIM ACTIVITIES

Legal Authority: 16 USC 1901 et seq Mining In The Parks Act of 1976; 16 USC 1 et seq NPS Organic Act; 30 USC 21 et seq Mining Law of 1872

CFR Citation: 36 CFR 9, Subpart A

Abstract: As mandated by the "Mining In The Parks Act of 1976", the NPS promulgated its existing regulations to assure that operations on valid mining claims within units of the National Park System are conducted so as to prevent or minimize damage to park resources. The experience gained by the application of these regulations over the past six years indicates that certain adjustments are now necessary to clarify and simplify the existing regulatory language and to improve the management of mineral resources within NPS units. Specifically, several sections of the current regulations either have proven difficult to interpret or pertain to a surface disturbance

moratorium that expired in 1980 thus rendering them obsolete.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/84	49 FR 29415
ANPRM Comment Period Begin	07/20/84	49 FR 29415
ANPRM Comment Period End	08/20/84	
30 day extension to ANPRM comment period to	09/20/84	
NPRM	03/01/86	
NPRM Comment Period Begin	03/01/86	
NPRM Comment Period End	05/01/86	
Final Action	06/01/86	
Final Action Effective	07/01/86	

Small Entity: No

Agency Contact: Carol McCoy, Chief, Policy and Regulations Branch, Department of the Interior, National Park Service, Room 3223 (480), Box 37127, Washington, DC 20013 - 7127, 202 343-4360

RIN: 1024-AB37

1088. ● MINERALS MANAGEMENT NONFEDERAL OIL AND GAS RIGHTS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9B

Abstract: Several sections of the regulations were ambiguously written which has caused confusion in interpreting the existing regulations during site specific implementation. NPS wants to make technical revisions to clarify requirements for both applicants and the NPS, such as: updating terms for consistency with existing policies and practices; setting bond limits consistent with existing reclamation costs; allowing NPS to collect administrative fees for issuing permits consistent with cost reimbursement requirements of Congressional and Executive direction; clarifying compliance issues associated with different access conditions; and, allowing for the submission of information pertinent to phased and complete operational scenarios.

These are technical revisions to the regulations governing non-federal oil and gas activities within affected units of the National Park System. The existing authorities are 16 U.S.C. 1, et seq. and 31 U.S.C. 9701, 5 U.S.C. 301; and enabling legislation of the affected units.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: Carol McCoy, Chief, Branch of Policy and Regulations, Department of the Interior, National Park Service, 18th and C Sts, NW, Washington, DC 20240, 202 343-4650

RIN: 1024-AB39

1089. NATIONAL CEMETERY REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 12

Abstract: These regulations were last revised in 1971 and are again in need of updating to assure appropriate levels of protection and consistent management of national cemeteries.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, Interior Building, 18th and C Sts., NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB04

1090. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period Begin	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension Ends	08/06/83	
Final Action	12/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Bill Tanner, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AA71

1091. NPS UNITS IN ALASKA: CABIN USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Abstract: This rule will govern all authorized types of cabin use in National Park Service areas in Alaska.

Timetable:

Action	Date	FR Cite
NPRM	04/03/84	49 FR 13160
Extension of NPRM Comment Period to 08/13/84	06/01/84	49 FR 22835
Final Action	12/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Bill Tanner, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AA85

1092. NPS UNITS IN ALASKA: CONCESSIONS

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 13

Abstract: This rulemaking will establish procedures for providing commercial visitor services in certain Alaska

national park areas as provided for by the Alaska National Interest Lands Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: William Tanner, Staff Park Ranger, Department of the Interior, National Park Service, Alaska Regional Office - NPS, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AB18

1093. GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE: DESIGNATION OF TRADITIONAL SUBSISTENCE HUNTING ZONES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.64

Abstract: The service proposes to designate zones that have been used traditionally for subsistence hunting purposes within Gates of the Arctic National Park and Preserve by local rural residents.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Richard Ring, Superintendent, Department of the Interior, National Park Service, Gates of the Arctic National Park & Preserve, Box 74680, Fairbanks, AK 99707, 907 452-5363

RIN: 1024-AB32

1094. IDENTIFICATION OF INTEGRAL VISTAS ASSOCIATED WITH FEDERAL CLASS I AREAS

Significance: Agency Priority

Legal Authority: 42 USC 7491; 16 USC 1 et seq National Park Service Organic Act

CFR Citation: 36 CFR 16, (New)

Abstract: This rule will provide guidelines for identification of integral vistas and a list of integral vistas associated with 43 of the 48 National Park Service mandatory class I areas where visibility is an important value. The alternatives under consideration include (a) no action and (b) proposal of revised list of integral vistas. Upon completion, the RIA will discuss costs and benefits of the rule. Cost-benefit analysis is difficult, however, and speculative at best, since the rule merely identifies the integral vistas, but commits the decision on whether and how much to protect any particular vista to the permitting authority (usually the state, otherwise EPA). In other words, once an integral vista is properly and timely identified, the permitting authority must balance its protection against costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source, subject to such requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/15/81	46 FR 3646
NPRM Comment Period Begin	01/15/81	46 FR 3646
Prop. Guidelines/Notice of Avail.	01/15/81	46 FR 3646
NPRM Comment Period End	02/17/81	
Comment Period begins	04/24/81	46 FR 23389
Comment Period reopened	04/24/81	46 FR 23389
Comment Period ends	06/08/81	46 FR 23389
Comment Period, Reproposal	09/00/85	
Reproposal, NPRM	09/00/85	
Comment Period Reproposal ends	10/00/85	
Final Action	11/00/85	
Final Action Effective	12/00/85	

Small Entity: No

Additional Information: Originally scheduled: October 1981. EPA regulatory deadline for final action: 12/31/85.

Analysis: Preliminary RIA 02/00/85; Final RIA 11/00/85

Agency Contact: Molly N. Ross, Assistant Division Chief, Department of the Interior, National Park Service, Air Quality Division, 18th and C Streets, NW, Washington, DC 20240, 202 343-4911

RIN: 1024-AA35

1095. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, 617 223-1178

RIN: 1024-AA80

1096. YOSEMITE NATIONAL PARK: ADMINISTRATION EL PORTAL LAW ENFORCEMENT AND FIRE PREVENTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 34

Abstract: This rule will promulgate law enforcement and fire prevention regulations for the El Portal area in Yosemite National Park. El Portal is an administrative site used by the National Park Service and is not currently covered under other regulations in Title 36.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Phil Ward, Department of the Interior, National Park Service, Western Regional Office, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415 556-1866

RIN: 1024-AA29

1097. ● NATIONAL CAPITAL PARKS REGULATIONS; LAFAYETTE PARK; STRUCTURE PROHIBITIONS; SIGN LIMITATIONS

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 50.19

Abstract: The rule would prohibit structures, with certain exceptions, and limit the number and size of signs placed or set down in Lafayette Park. The rule is being promulgated in response to citizen complaints concerning the continually worsening visual blight in the Park, and in response to safety and resource protection concerns. Large numbers of signs and structures now present in Lafayette Park have contributed to the steady deterioration of this historic and well manicured "garden park". In addition to the visual blight created by these objects, substantive damage to the Park results from the placement and support of large signs and structures. Finally, poorly constructed signs and structures create constant safety hazards in the Park. Many less restrictive alternatives were considered but found to be inadequate to meet the substantial government interests present here. The rule should have minimal potential costs, the only costs anticipated being possible increased law enforcement costs. The benefits to Lafayette Park and the public are substantial in that increased aesthetic quality, safety and resource protection benefit all citizens.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	
NPRM Comment Period Begin	08/16/85	
NPRM Comment Period End	09/16/85	
Final Action	10/04/85	
Final Action Effective	11/04/85	

Small Entity: No

Agency Contact: Sandra Alley, Associate Regional Director, Public Affairs, Department of the Interior, National Park Service, National Capital Region, 1100 Ohio Drive, SW, Washington, DC 20242, **202 426-6700**

RIN: 1024–AB43

1098. NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	46 FR 56183
NPRM	10/01/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Hardy Pearce, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9505**

RIN: 1024–AA44

1099. ● NATIONAL NATURAL LANDMARKS

Legal Authority: Historic Sites Act of 1935

CFR Citation: 36 CFR 62.5

Abstract: Revision to the National Natural Landmarks Program national significance criteria is proposed to clarify the language and sharpen the definition. Revised criteria will better enable the National Park Service to make precise decisions about additions to the National Registry of Natural Landmarks, as well as better communicate the concept of national significance to the public. The alternative to this proposed action is to leave the present regulation 36 CFR 62.5 as it is. There are no perceived costs associated with this proposed rule revision.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	

Small Entity: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Arthur L. Stewart, Acting Chief, Natural Areas Survey Branch, Department of the Interior, National Park Service, 413, Interagency Resources Division, P.O. Box 37127, Washington, DC 20013-7127, **202 343-9500**

RIN: 1024–AB41

1100. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	10/01/85	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9539**

RIN: 1024–AA46

1101. PRESERVATION OF HISTORIC AND ARCHEOLOGICAL DATA

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
End Review	03/00/85	
NPRM	01/01/86	42 FR 5374

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1979. A completely new draft is in preparation.

Agency Contact: Bennie Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4101**

RIN: 1024-AA49

1102. CURATION OF FEDERALLY-OWNED ARCHEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally-owned prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), the National Historic Preservation Act of 1966 (as amended) and the Archaeological Resources Protection Act of 1979. The regulation will describe Federal agency responsibilities to preserve federally-owned archeological collections and provide guidance for Federal agencies to select appropriate repositories and to ensure that appropriate Indian tribes or individuals are notified concerning the disposition of materials recovered from Indian lands.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Dr. Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4101**

RIN: 1024-AB13

1103. OZARK NSR: FISHING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 783(d)(3)

Abstract: This proposed rulemaking would authorize the taking of crayfish and turtles in areas designated by the Superintendent of Ozark National Scenic Riverways consistent with Missouri fishing laws.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 26809
NPRM Comment Period Begin	06/28/85	50 FR 26809
NPRM Comment Period End	07/29/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: James R. Walker, Visitor Services Specialist, Department of the Interior, National Park Service, Midwest Region, 1709 Jackson St., Omaha, NE 68102, **402 221-3475**

RIN: 1024-AB23

1104. ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979 DEPARTMENTAL REGULATIONS

Legal Authority: 16 USC 470aa et seq

CFR Citation: 43 CFR 7(b)

Abstract: This rule will implement the provisions of Section 10(b) of the Archaeological Resources Protection Act of October 31, 1979, and will be based on the uniform rule found in 43 CFR 7. The intended effect of this rule is to advise the public of its obligations to the Department and to further advise of the Department's obligations to the public concerning the protection and conservation of archaeological resources located on public and Indian lands within the United States, its territories and possessions.

Timetable:

Action	Date	FR Cite
NPRM	01/01/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983. A draft currently is in preparation.

Agency Contact: Bennie C. Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4101**

RIN: 1024-AA83

1105. TRANSPORTATION AND UTILITY SYSTEMS IN ALASKA

Legal Authority: 16 USC 3161

CFR Citation: 43 CFR 36

Abstract: This rule will establish procedures for the review and approval of any application for a transportation or utility system in Alaska, if any portion of the system's route will be within any national conservation system unit, national recreation area or national conservation area in the State.

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	48 FR 32506
Final Action	04/00/86	

Small Entity: No

Additional Information: Originally scheduled: October 1982.

Agency Contact: Brian Koula, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-7957**

RIN: 1024-AA58

1106. ● LAND AND WATER CONSERVATION FUND PROGRAM OF ASSISTANCE TO STATES (PART 59). URBAN PARK AND RECREATION RECOVERY PROGRAM (PART 72). POST-COMPLETION COMPLIANCE

Legal Authority: PL 88-578; 16 USC 2501; PL 95-625

CFR Citation: 43 CFR 59; 43 CFR 72

Abstract: The purpose of this regulation is to incorporate program requirements pertaining to the conversion of assisted recreation sites and facilities to non-public recreation uses, and to incorporate requirements regarding residency status of users of assisted sites into the Code of Federal Regulations. This proposal contains only those policies and procedures which are already operative and will not have an impact on the current operation and administration of both programs. Although not included in this publication, recipients of L&WCF and UPARR assistance should be aware that existing laws, regulations and program policy regarding post-completion compliance with Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973 remain requirements of these programs and will continue to be fully enforced. All post-completion compliance requirements of both programs will remain in force regardless of the program's funding and authorization status at any given point.

Timetable:

Action	Date	FR Cite
NPRM	01/01/86	
NPRM Comment Period Begin	01/01/86	
NPRM Comment Period End	02/01/86	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Samuel L. Hall, Chief, Recreation Grants Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-3700**

RIN: 1024-AB42

1107. CEMETERY SITES AND HISTORICAL PLACES

Legal Authority: 16 USC 3

CFR Citation: 43 CFR 2653

Abstract: The Service is proposing to amend 43 CFR 2653.5 by deleting all references to the Service as the consulting agency concerning the cultural value and significance of existing Alaska Native cemetery sites and historical places. This revision will relieve the Service from the responsibility of being the consulting agency for sites located on all Federal lands in Alaska, thus eliminating an expensive duplication of Federal effort.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Rich O'Guinn, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, **907 271-4551**

RIN: 1024-AA84

1108. NATIONAL PARK SERVICE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1489; 48 CFR 1452.289; 48 CFR 1453.2; 48 CFR 1453.3

Abstract: The proposed regulation would establish Bureau-specific solicitation provisions, contract clauses and prescriptions for their use. These are necessary to supplement and implement the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation. This will provide standard contractual language for provisions and clauses not otherwise available in the Federal or Interior regulations that are needed by our operational contracting activities. This action should result in cost savings as this development and standardization will relieve the individual contracting activities of the responsibility of developing their own.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
NPRM Comment Period Begin	09/30/85	
NPRM Comment Period End	10/30/85	
Final Action	11/30/85	
Final Action Effective	11/30/85	

Small Entity: No

Agency Contact: Lawrence E. Sawler, Chief, Contract Policy Branch, Department of the Interior, National Park Service, ASD 18th and C Streets, NW, Washington, DC 20240, **202 523-5021**

RIN: 1024-AB35

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Existing Regulations Under Review

1109. ● ROCKY MOUNTAIN NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7 (a)

Abstract: The service proposes to revise this section to further define waters closed to fishing as well as to further clarify the possession limit of fish.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: David R. Stevens, Research Biologist, Department of the Interior, National Park Service, Rocky Mountain National Park, Estes Park, CO 80517, **303 586-2371**

RIN: 1024-AB46

1110. ● BIG THICKET NATIONAL PRESERVE: HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.85

Abstract: The Service proposes to revise the hunting regulations that apply the Big Thicket. Changes proposed include dates for open seasons, the use of temporary blinds, permits, the use of calling devices and the use of dogs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Sante Fe, NM 87501, **505 988-6371**

RIN: 1024-AB48

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Completed Actions

COMPLETED RULEMAKINGS

1111. FIRE ISLAND NATIONAL SEASHORE: SEAPLANE USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.20(b)

Abstract: Fire Island National Seashore - Proposed revision of Seaplane Regulations 36 CFR 7.20(b). This revision eliminates one community as an authorized taxi and docking area. That area is Robbins Rest.

Timetable:

Action	Date	FR Cite
NPRM	12/21/84	49 FR 49647
NPRM Comment Period Begin	12/21/84	49 FR 49647
NPRM Comment Period End	01/22/85	
Final Action	06/11/85	50 FR 24510
Final Action Effective	07/11/85	50 FR 24510

Small Entity: No

Agency Contact: Leonard A. Frank, Chief, Resource Mngmt & Visitor Protection, Department of the Interior, National Park Service, 15 State Street, Boston, MA 02109, **617 223-3351**

RIN: 1024-AB26

1112. CAPE COD NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.67

Abstract: This regulation will revise existing off-road vehicle restrictions, designate routes for off-road vehicles and revise the fee structure pertaining to commercial off-road vehicles.

Timetable:

Action	Date	FR Cite
NPRM	04/16/85	50 FR 15056
NPRM Comment Period Begin	04/16/85	50 FR 15056
NPRM Comment Period End	05/17/85	
Final Action	08/01/85	50 FR 31177
Final Action Effective	09/03/85	50 FR 31177

Small Entity: Undetermined

Agency Contact: Leonard A. Frank, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 15 State Street, Boston, MA 02109, **617 223-3351**

RIN: 1024-AA91

1113. GLACIER BAY NP & P: PROTECTION OF HUMPBACK WHALES

Significance: Agency Priority

Legal Authority: 16 USC 1; 16 USC 1531; 16 USC 1361

CFR Citation: 36 CFR 13

Abstract: These permanent regulations will replace the temporary regulations that expired December 31, 1983. These permanent regulations define terms, authorize a permit system, establish vessel operating restrictions, establish a mechanism for designating whale waters and vessel limits and prohibit the harvest of certain species of fish and crustaceans which are prey species of the humpback whale.

Timetable:

Action	Date	FR Cite
NPRM	04/18/84	49 FR 15482
Final Action	05/10/85	50 FR 19880
Final Action Effective	05/31/85	50 FR 19880

Small Entity: No

Agency Contact: Rich O'Guinn, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 2525 Gambell Street, Anchorage, AK 99503, **907 271-4551**

RIN: 1024-AB02

1114. PRESERVATION OF AMERICAN ANTIQUITIES: DEFINITION OF AN OBJECT OF ANTIQUITY

Legal Authority: 16 USC 431 to 433

CFR Citation: 36 CFR 76

Abstract: Subsequent to the initial proposal of this rule in 1978, a new law addressing this matter was passed (P. L. 96-95, 1979). Final regulations for the new law are placed at 43 CFR 7 (2/84).

Timetable:

Action	Date	FR Cite
NPRM 43 CFR 3 End Review rule. There is no longer a need for this rule.	04/10/78 03/00/85 08/27/85	43 FR 14975

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1980.

Agency Contact: Bennie Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4101**

RIN: 1024-AA56

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]
BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Current and Projected Rulemakings

1115. APPEALS FROM ADMINISTRATIVE ACTIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 2

Abstract: The present administrative appeal regulations are ambiguous and misleading. It is difficult to tell what issues may be appealed and to whom the appeal should be sent. Most deadlines are uncertain. Those that are certain are often unrealistic. It is also unclear when a final decision will be rendered by the Interior Board of Indian Appeals and when it will be rendered by the Assistant Secretary for Indian Affairs. Alternatives will be developed by reviewing the existing appeal regulations of other agencies. Consideration will be given to specifying which types of appeals go to the Assistant Secretary and which to the Board. The alternative of providing for the Assistant Secretary to make a case-by-case decision whether or not to refer the matter to the Board will also be considered. The primary benefit should be reduced frustration for both appellants and the BIA officials who handle the appeals. The greatest cost may be that both appellants and BIA officials may have to comply with more specified procedures and meet more deadlines in order for the system to work.

Timetable:

Action	Date	FR Cite
NPRM	01/15/86	
NPRM Comment Period Begin	01/15/86	
NPRM Comment Period End	03/15/86	

Small Entity: Undetermined

Agency Contact: David Etheridge, Attorney-Adviser, Department of the Interior, Bureau of Indian Affairs, Office of the Solicitor, Washington, DC 20240, 202 343-8526

RIN: 1076-AB21

1116. PREFERENCE IN EMPLOYMENT

Legal Authority: 25 USC 43; 25 USC 46; 25 USC 44; 25 USC 348; 25 USC 472; 25 USC 479

CFR Citation: 25 CFR 5

Abstract: The revision of this rule would extend the expired date of October 4, 1985, for a period of time to permit the Osage Tribal Council the additional time to organize and to establish current membership standards for purposes of Indian preference employment for their tribal members in the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Action will be taken to extend time limitation only upon request from the Osage Tribe and approval by the Deputy Assistant Secretary.

Agency Contact: Mercedes Lewis, Personnel Staffing Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-9306

RIN: 1076-AB60

1117. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Abstract: This Part is being revised to provide Courts of Indian Offenses with a complete and updated code of laws and to clarify the jurisdiction of those courts and their relationship to tribal governments and the Department of the Interior.

Timetable:

Action	Date	FR Cite
End Review	12/30/84	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: George Skibine, Attorney, Office of the Solicitor, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-9405

RIN: 1076-AA01

1118. ACTION ON WILLS OF OSAGE INDIANS

Significance: Agency Priority

Legal Authority: PL 95-496

CFR Citation: 25 CFR 17

Abstract: This rule is being revised to permit the Field Solicitor of the Department to: (1) approve/disapprove wills of persons of Osage Indian blood providing for the disposition of restricted property; (2) issue orders and decisions; (3) issue subpoenas and to administer oaths to witnesses testifying at hearings; and (4) send appeals from decisions to the Regional Solicitor of the Department.

Timetable:

Action	Date	FR Cite
Total rewrite - new NPRM anticipated	00/00/00	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Room 4520 - Main Interior, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AA03

1119. SOCIAL WELFARE-FINANCIAL ASSISTANCE INDIAN CHILD WELFARE

Significance: Regulatory Program

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 20; 25 CFR 23

Abstract: Public Law 97-394 requires the Bureau of Indian Affairs to impose a rateable reduction in General Assistance (GA) grant payments to eligible Indian clientele. When implemented, the rateable reduction will vary among states in that it will be identical in amount to the reductions established by states in the Administration of their respective Aid to Families with Dependent Children programs. In the past, the Bureau has made GA grant payments at the full need levels established by the states. The effect of applying a rateable reduction will be reduced program costs.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1381
NPRM Comment Period End	02/21/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue NW, Code 450 - Room 312-S, Washington, DC 20245, 202 343-6434

RIN: 1076-AA77

1120. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Agency Priority

Legal Authority: PL 98-473; 25 USC 13

CFR Citation: 25 CFR 20

Abstract: BIA will amend rule according to directions of Congress, Public Law 98-473. No alternatives are being considered because of legal opinion from Office of the solicitor. The action's potential cost is unknown at this time. Public Law 98-473 requires the BIA to promulgate regulations for BIA's assistance program which would clearly and generally define eligibility for general public welfare assistance or the availability of general public welfare assistance from a state.

Timetable:

Action	Date	FR Cite
Final Action rateable reductions	03/29/85	50 FR 12527

Action	Date	FR Cite
Final Action Effective rateable reductions	04/29/85	
NPRM general assistance payments	09/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Analysis: n/a

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 450 - Room 312-S, Washington, DC 20245, 202 343-6434

RIN: 1076-AB44

1121. ● CARE OF INDIAN CHILDREN IN CONTRACT SCHOOLS

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 22

Abstract: Delete - No longer in effect.

This rule governed the contracting by missions, associations, and other eleemosynary institutions for care of Indian children who resided within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Remove Rule	03/31/86	

Small Entity: No

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Code 450 - Room 312 South, Washington, DC 20245, 202 343-6434

RIN: 1076-AB76

1122. INDIAN CHILD WELFARE ACT -- MULTI YEAR DEVELOPMENT GRANTS

Significance: Agency Priority

Legal Authority: 25 USC 1952; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 23.37

Abstract: Indian Child Welfare Act - This rule will be amended to reflect the requirements to implement the Indian Child Welfare Act program. The Submission of MultiYear Developmental Grants will enable eligible applicants to operate three year projects. This amendment reflects a change from an annual submission to submissions on a three year basis.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1381
Final Action	12/00/85	

Small Entity: No

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue NW, Code 450 - Room 312-S, Washington, DC 20245, 202 343-6434

RIN: 1076-AA85

1123. FEDERAL SCHOOLS FOR INDIANS (REVISION)

Legal Authority: 34 Stat. 1018; 35 Stat. 783; 40 Stat. 564; 25 USC 288; 25 USC 289

CFR Citation: 25 CFR 31, (Revision)

Abstract: The purpose of the proposed revision is to clarify and define the clause "adequate free public school facilities" for non-Indian and Indian children of less than one-fourth blood who wish to attend Bureau-funded day and boarding schools. This proposed revision will also address criteria by which these students may attend Bureau-funded schools and tuition payments related thereto. Costs related to this part will be assumed by the public school district in the form of tuition payments, at no cost to the Bureau. Tuition fees charged will not exceed the tuition cost charged by the State or County in which the Bureau school is located.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19701
NPRM Comment Period End	07/05/85	
Final Action	12/31/85	

Small Entity: No

Additional Information: Section 31.3 revised to "conditions under which non-eligible students may attend Bureau-funded schools." Most comments are negative. Awaiting advice from SOL for future action.

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18 & C Sts. NW, Washington, DC 20240, 202 343-6364

RIN: 1076-AB47

1124. ● INDIAN EDUCATION POLICIES

Significance: Regulatory Program

Legal Authority: 25 USC 2010; 25 USC 2013

CFR Citation: 25 CFR 32

Abstract: Policy statements under this part are generally broad, rhetorical, and nonmeasurable. The revision will address the simplification, clarification, consolidation, and elimination of policy statements that are not attainable or measurable. OIEP will pursue selected policy statements that have the administration's agreements and do not anticipate any increase or potential increase in cost in the revision of this regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/85	
NPRM	02/00/86	

Small Entity: Undetermined

Agency Contact: George D. Scott, Educational Specialist, Department of the Interior, Bureau of Indian Affairs, Rm. 3530-Main Int., 18th & C Streets, NW, Washington, DC 20245, 202 343-4872

RIN: 1076-AB64

1125. SCHOOL BOARDS

Significance: Agency Priority

Legal Authority: 25 USC 2001 et seq

CFR Citation: 25 CFR 35

Abstract: The purpose of this rule is to define and delineate the duties and responsibilities of local Indian School Boards in accordance with Federal statutes and regulations. This rule will provide Bureau-wide consistency for the overall exercise of authority and control of Bureau and tribally operated schools.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AB03

1126. MINIMUM ACADEMIC STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN AND NATIONAL CRITERIA FOR DORMITORY SITUATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 2001; 25 USC 2002; PL 95-561

CFR Citation: 25 CFR 36

Abstract: This rule will prescribe minimum academic standards for the basic education of Indian children in Bureau schools and provide the national criteria for use in the operations of dormitories by the Bureau. This Part has been redesignated from 25 CFR Part 31e.

Timetable:

Action	Date	FR Cite
NPRM	03/23/83	
NPRM Comment Period Begin	03/23/83	
NPRM Comment Period End	05/09/83	
Final Action	10/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AA08

1127. EDUCATION PERSONNEL

Legal Authority: 25 USC 2011; 25 USC 2015

CFR Citation: 25 CFR 38, (Revision)

Abstract: The review of this rule is to update and/or delete the requirements that apply to all individuals appointed or converted to contract education positions in the Bureau of Indian Affairs. The review applies to employees with continuing tenure in both the competitive and excepted service who incumber education positions.

Timetable:

Action	Date	FR Cite
End Review	08/15/84	
NPRM	02/00/86	

Small Entity: Undetermined

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AB02

1128. INDIAN SCHOOL EQUALIZATION PROGRAM

Legal Authority: PL 95-561; 25 USC 2008

CFR Citation: 25 CFR 39, (Revision)

Abstract: This rule, which contains the funding mechanism for Bureau operated and contract elementary and secondary schools, has been reviewed and will be revised when academic and dormitory standards are finalized in 25 CFR Part 36.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/85	
ANPRM Comment Period Begin	12/00/85	
ANPRM Comment Period End	02/00/86	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AA09

1129. THE INDIAN SCHOOL EQUALIZATION PROGRAM (NEW SCHOOL STARTS, PROGRAM EXPANSIONS, SCHOOL CLOSURES, CONSOLIDATIONS, AND PROGRAM REDUCTIONS)

Significance: Agency Priority

Legal Authority: 92 Stat 2320; 42 Stat 208

CFR Citation: 25 CFR 39, Sec 22

Abstract: The addition of regulations for "School Closures and Consolidations" will address a uniform procedure for school closure and consolidation in the Bureau-operated and funded schools. The new rule would provide the Bureau advance planning time in the development of its future budgets.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/85	

Small Entity: No

Agency Contact: Nancy Garrett, Deputy Director, OIEP, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-2123

RIN: 1076-AB48

1130. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This Part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	11/30/85	
NPRM Comment Period End	01/31/86	
Final Action	03/31/86	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Esther Whalen, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076-AA10

1131. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	11/30/85	
NPRM Comment Period End	01/31/86	
Interim Final Rule	03/31/86	

Small Entity: No

Agency Contact: Edward Lonefight, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076-AA11

1132. CONSTITUTIONAL AND CIVIL RIGHTS OF INDIAN STUDENTS

Legal Authority: PL 95-561; 25 USC 2017

CFR Citation: 25 CFR 42

Abstract: This rule will set forth policies, requirements and procedures to ensure the protection of the constitutional and civil rights of students attending Bureau or contract schools and dormitories.

Timetable:

Action	Date	FR Cite
NPRM	05/22/79	44 FR 29855
Begin Review	05/01/84	
End Review	04/12/85	
NPRM	00/00/00	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-6364

RIN: 1076-AA12

1133. SPECIAL EDUCATION

Legal Authority: PL 94-142

CFR Citation: 25 CFR 45

Abstract: This rule will establish standards for the provision of special education and related services to Indian children in schools operated by or under the authority of the Bureau. This Part has been redesignated from 25 CFR Part 31k.

Timetable:

Action	Date	FR Cite
NPRM	09/29/80	45 FR 64472
NPRM Comment Period Begin	09/29/80	
NPRM Comment Period End	11/30/80	
Final Action	12/00/85	

Small Entity: No

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: January 1980.

Public Compliance Cost: Base Year for Dollar Estimates: 1981

Agency Contact: Charles Cordova, Chief, Branch of Exceptional Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-6675

RIN: 1076-AA14

1134. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	11/30/85	
NPRM Comment Period End	01/31/86	
Final Action	03/31/86	

Small Entity: No

Agency Contact: Esther Whalen, Education Specialist- Supervisory, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076-AA15

1135. PREPARATION OF ROLLS OF INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 61

Abstract: The regulations contained in 25 CFR Part 61 are general regulations that govern the compilation of rolls of Indians by the Secretary of the Interior when required to do so under statutory authority. This rulemaking action will revise the regulations to add certain portions which will govern the preparation of specific rolls under statutory authority, delete other portions that govern the preparation of certain rolls which have subsequently been completed and for which there is no further need or applicability, and make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology. This Part has been redesignated from 25 CFR Part 41.

Timetable:

Action	Date	FR Cite
NPRM	06/17/85	50 FR 25082
NPRM Comment Period Begin	06/17/85	
NPRM Comment Period End	07/17/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB07

1136. PREPARATION OF A ROLL OF EASTERN CREEK INDIANS

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 1401 et seq; 5 USC 301

CFR Citation: 25 CFR 63

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be

revoked. The rule governed the one-time compilation of a roll of Eastern Creek Indian descendants eligible to share in a per capita distribution of an apportioned share of judgment funds awarded the Creek Nation of Indians in Indian Claims Commission Docket 275. The roll has been completed and approved and the per capita payment made. Therefore, there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43.

Timetable:

Action	Date	FR Cite
Final Action	12/01/85	
Final Action Effective	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1984.

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB25

1137. PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 64

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of members of the Pyramid Lake Paiute Tribe eligible to share in the distribution of judgment funds awarded the Pyramid Lake Paiute Indians by the Indian Claims Commission in Docket No. 87-B. The roll has been completed and approved and the distribution of judgment funds made. Therefore, it has been determined that there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43a.

Timetable:

Action	Date	FR Cite
Final Action	12/01/85	
Final Action Effective	12/31/85	

Small Entity: No

Additional Information: Originally scheduled: October 1984.

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB27

1138. PREPARATION OF A ROLL OF MOHAVE DESCENDANTS ENROLLED AS MEMBERS OF THE COLORADO RIVER INDIAN TRIBES

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 67

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of certain members of the Colorado River Indian Tribes who were lineal descendants of the aboriginal Mohave Tribe eligible to share in the per capita distribution of an apportioned share of judgment funds awarded the Mohave Indians by the Indian Claims Commission in Dockets Nos. 283 and 295. The roll has been completed and approved and the per capita payment made. Therefore, it has been determined that there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43e.

Timetable:

Action	Date	FR Cite
Final Action	12/01/85	
Final Action Effective	12/31/85	

Small Entity: No

Additional Information: Originally scheduled: October 1984

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB30

1139. PREPARATION OF A ROLL OF ALASKA NATIVES

Legal Authority: 43 USC 1601 et seq; PL 94-204

CFR Citation: 25 CFR 69

Abstract: This rule is being amended to provide procedures for the redetermination of permanent residence of Alaska Natives enrolled pursuant to Public Law 92-203 in accordance with section 1(c) of Public Law 94-204. This Part has been redesignated from 25 CFR Part 43h.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1981.

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3594

RIN: 1076-AA18

1140. PREPARATION OF A ROLL OF PERSONS OF GRAND RIVER OTTAWA INDIAN BLOOD TO BE USED AS THE BASIS TO DISTRIBUTE JUDGMENT FUNDS

Legal Authority: PL 94-540

CFR Citation: 25 CFR 72

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of persons who possess Grand River Ottawa Indian blood to be used to distribute the judgment funds awarded the Grand River Band of Ottawa Indians in Indian Claims Commission Docket 40-K. The roll has been completed and approved and the per capita payment made. Therefore, it has been determined that there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43n.

Timetable:

Action	Date	FR Cite
Final Action	12/01/85	
Final Action Effective	12/31/85	

Small Entity: No

Additional Information: Originally scheduled: October 1984

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB33

1141. ENROLLMENT OF INDIANS OF THE RINCON, SAN LUISENO BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 74

Abstract: This rule governed the enrollment of persons in the Rincon, San Luiseno Band of Mission Indians of California as of July 21, 1957. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is no further need for this rule and it can be revoked. This Part has been redesignated from 25 CFR Part 46.

Timetable:

Action	Date	FR Cite
Final Action	12/01/85	
Final Action Effective	12/31/85	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB55

1142. ENROLLMENT OF INDIANS OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 76

Abstract: This rule governed the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is a continued need for this rule. However, the regulations do need to be revised. This rulemaking action will revise the regulations to make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology and to provide procedures for the preparation of a current roll to serve as the basis for the distribution of judgment funds. This Part has been redesignated from 25 CFR Part 48.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB59

1143. PREPARATION OF A MEMBERSHIP ROLL OF THE PRIBILOF ISLANDS ALEUT COMMUNITIES OF ST. PAUL AND ST. GEORGE

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 77

Abstract: This rule governed the one-time compilation of a roll of members of the Pribilof Islands Aleut Communities of St. Paul and St. George eligible to share in a per capita distribution of judgment funds awarded the Aleut Communities of the Pribilof Islands by the U.S. Court of Claims in Dockets 352 and 369-A. The roll has been completed and approved and the per capita payment made. Therefore, there is no further need for or applicability of the rule and the rule is being revoked.

Timetable:

Action	Date	FR Cite
Final Action	12/01/85	
Final Action Effective	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1984.

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB36

1144. USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS

Legal Authority: 5 USC 301; 87 Stat 466; 87 Stat 467; 87 Stat 468; 96 Stat 2512; 96 Stat 2513; 96 Stat 2514

CFR Citation: 25 CFR 87

Abstract: The regulations govern the preparation of proposed plans for the use or distribution of all judgement funds awarded to Indian tribes and groups by the Indian Claims Commission, the United States Court of Claims or the United States Claims Court, excepting any tribe or group whose trust relationship with the Federal Government has been terminated and for which there exists legislation authorizing the disposition of its judgment funds; and of all funds deriving from judgments entered prior to the date of the Act for which there has been no enabling legislation. The regulations are being revised to eliminate gender-specific terminology, incorporate the provisions of the Act of January 12, 1983 and for clarification. The revisions will make the regulations current to existing laws and should enable parties affected to more easily understand the regulations. The proposed revisions are a result of a review of the rules completed on July 16, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/01/84	
Final Action	09/30/85	

Small Entity: No

Agency Contact: John A. Shapard, Branch Chief, Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment & Research, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3568

RIN: 1076-AB20

1145. LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Significance: Agency Priority

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Abstract: This part is being revised to improve the processing of U.S. Direct Loan applications, improving the collection procedures currently used, and expediting the processing of expert assistance loans.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/84	
End Review	09/30/84	
NPRM	12/00/85	

Small Entity: No

Agency Contact: Richard Nephew, Assistant Chief, Div of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Main Interior Building - (Room 4062), 18th & C Streets, NW, Washington, DC 20245, 202 343-3651

RIN: 1076–AB04

1146. ● REVOLVING CATTLE POOL

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 102

Abstract: This program was transferred to the Bureau of Indian Affairs in the 1950's and it has been inactive for a long time. There have been no funds appropriated to run the program, so we are proposing to delete this.

The terms and conditions of loans of cattle by the United States government to tribes, tribal corporations or tribal members were prescribed. The loans consisted of cattle repayable in kind or assignment of cattle under specific agreements.

Timetable:

Action	Date	FR Cite
Removal of rule	12/31/85	

Small Entity: No

Agency Contact: Joseph Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Rm. 4062, Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-5367

RIN: 1076–AB83

1147. ● LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Legal Authority: 88 Stat. 77

CFR Citation: 25 CFR 103

Abstract: The purpose of this regulation is to prescribe the terms, conditions, and provisions under which loans made to eligible tribes, Indian organizations, and individual Indians for financing economic enterprises which contribute beneficially to the economy of an Indian reservation may be guaranteed or insured by the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/86	
Final Action	04/01/86	
Final Action Effective	09/01/86	

Small Entity: Undetermined

Agency Contact: Joseph Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Rm. 4062-Main Int., 18th & C Streets, NW, Washington, DC 20245, 202 343-3657

RIN: 1076–AB85

1148. ANNUITY AND OTHER PER CAPITA PAYMENTS

Legal Authority: 5 USC 301; PL 98-64

CFR Citation: 25 CFR 111, (Revision)

Abstract: Procedures will describe standards by which per capita payments to Indians out of Tribal Trust Revenue may be made by either the Secretary of the Interior or by Tribal governments.

Information on cost or benefits, if applicable, is unknown at this point.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	04/30/85	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Agency Contact: Barbara Davis, Trust Fund Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076–AB45

1149. LEASING AND PERMITTING

Legal Authority: 25 USC 380; 25 USC 393; 25 USC 394; 25 USC 395; 25 USC 397; 25 USC 402; 25 USC 402a; 25 USC 403; 25 USC 403a to c; 25 USC 415; 25 USC 415a to d; 25 USC 477; 25 USC 635

CFR Citation: 25 CFR 162

Abstract: This rule will reorganize Part 162 into three new subheadings: (1) How to Acquire Leases; (2) Special Provisions and Requirements of Leases; and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference. This Part has been redesignated from 25 CFR Part 131.

Timetable:

Action	Date	FR Cite
NPRM	10/27/78	43 FR 50210
Final Action	12/31/85	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Affected Sectors: None

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-7737

RIN: 1076–AA29

1150. GRAZING REGULATIONS FOR FORMER NAVAJO-HOPI JOINT USE AREA LANDS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 168

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d-640d-28. The rule will also be revised to correct vague and/or ambiguous language contained in certain provisions of the existing rule. This Part has been redesignated from 25 CFR Part 153.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/84	
ANPRM	10/01/85	
ANPRM Comment Period End	11/01/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulations and ordered the Bureau to publish new

regulations. The Bureau published interim regulations on Hopi Partitioned Funds on September 8, 1982. During the past year several negotiating meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo Partitioned Land in the regulations. The Navajo Tribe wants separate regulations and the Bureau has drafted new regulations for Navajo Partitioned Lands.

Agency Contact: Sam Miller, Range Management Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-2807**

RIN: 1076-AA33

1151. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Legal Authority: 25 USC 13; 25 USC 318(a); PL 97-424, Sec 105(a)(3); 23 USC 109(o); 23 USC 112(b); 23 USC 114(c); 23 USC 202(e); 23 USC 204; 23 USC 217

CFR Citation: 25 CFR 170

Abstract: With the Surface Transportation Assistance Act of 1982, Indian reservation road construction is funded from the Highway Trust Fund with authorizations for Fiscal Years 1983, 1984, 1985 and 1986. Other provisions include a requirement for proper maintenance of roads, applications of the "Buy Indian" and Indian Self Determination Acts, and joint program management by the Secretaries of Interior and Transportation. These changes in the law make changes in regulations imperative. The no-action alternative would leave program managers with outdated guidelines. Cost of the action will be minimal and it imposes no burden on the public. Benefits will be a better ordered road construction and maintenance program on Indian reservations, greater management efficiency, and clarity of procedures for federal managers, legislators and tribal officials. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: James T. Ball, Assistant Chief, Div of Transportation, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-6043**

RIN: 1076-AB05

1152. FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Legal Authority: 5 USC 301; 62 Stat. 273

CFR Citation: 25 CFR 176

Abstract: This rule contains regulations to be followed for the operation of the electric power system at the Flathead Indian Irrigation Project, Montana.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	47 FR 50850
NPRM Comment Period End	11/30/85	

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-5696**

RIN: 1076-AA73

1153. USE OF WATER ON INDIAN RESERVATIONS

Legal Authority: 25 USC 1a; 25 USC 2; 25 USC 9; 25 USC 381; 25 USC 415

CFR Citation: 25 CFR 179

Abstract: This rule will state the criteria the Secretary will follow in determining whether to approve water codes enacted by Indian tribes which would regulate the use of waters on Indian reservations. This Part has been redesignated from 25 CFR Part 260.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity:

Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: John Bushman, Staff Assistant, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 **343-3960**

RIN: 1076-AA37

1154. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Abstract: The regulations in this Part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one Part. This Part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
Final Action	10/30/85	

Small Entity: Yes

Additional Information: ADDITIONAL AGENCY CONTACT: Tommy Riggs (see Agency Contact heading for phone and address). Originally scheduled: May 1978.

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076-AA38

1155. LEASING OF ALLOTTED LANDS FOR MINING

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Abstract: As a result of review, it has been determined that this Part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 218. This Part has been redesignated from 25 CFR Part 172.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
Final Action	10/30/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Tommy Riggs (see Agency Contact heading for phone and address). Originally scheduled: April 1981.

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3722

RIN: 1076-AA39

1156. OPERATION, RECLAMATION AND CONSERVATION ON MINERAL LANDS

Legal Authority: 25 USC 380; 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477; 42 USC 4332

CFR Citation: 25 CFR 216

Abstract: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. This Part has been redesignated from 25 CFR Part 177. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Final Action	10/31/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Tommy Riggs (see Agency Contact heading for phone and address). Originally scheduled: May 1978.

Agency Contact: Joseph Johnston, Chief, Div. of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3722

RIN: 1076-AA40

1157. COMMERCIAL FISHING ON RED LAKE INDIAN RESERVATION

Legal Authority: 25 USC 2; 5 USC 301

CFR Citation: 25 CFR 242

Abstract: Regulations provide for the Tribe to harvest fish commercially. No other entities are involved.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: Except for two sex-based references, the regulation is/has been agreeable to all.

Government Levels Affected: Local, Federal

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4088

RIN: 1076-AB13

1158. REINDEER IN ALASKA

Legal Authority: 48 USC 250(k)

CFR Citation: 25 CFR 243

Abstract: This regulation is being revised to enable the BIA to regulate the sale of reindeer products as well as reindeer.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Div. of Land & Water Res., 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-4088

RIN: 1076-AB16

1159. WIND RIVER RESERVATION GAME CODE

Legal Authority: 43 USC 1457; 25 USC 2; 25 USC 9; 64 Stat. 1262; 18 USC 1165; 16 USC 3371 to 3378; 15 Stat. 673; 5 USC 301

CFR Citation: 25 CFR 244

Abstract: The interim rule will provide regulations governing hunting of big and small game on the Wind River Indian Reservation in Wyoming, to conserve, protect and increase the currently depleted populations. No alternative actions for addressing the problem are being considered. The program will be confined to a localized area, and economic effects will be relatively insignificant. Benefits will be conservation of existing populations through reduced hunting mortality. Costs for personnel and equipment to enforce the regulations are estimated at $235,000 for the first year and $200,000 annually thereafter, to be derived by reallocation of existing funding.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/84	49 FR 39308
Final Action	12/31/85	

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior - 18th and C Sts., NW, Room 4555, Washington, DC 20245, 202 343-4088

RIN: 1076-AB43

1160. OFF-RESERVATION TREATY FISHING - FRASER RIVER CONVENTION; SOCKEYE AND PINK SALMON FISHERY

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 249

Abstract: This rule is an annual amendment covering the treaty Indian fishery in waters subject to the Fraser River Convention. Regulations provided by the rule assure fulfillment of obligations to treaty tribes and to Canada. The alternative of no regulation would leave the treaty Indian fishery unregulated, and was not considered. The rule is beneficial in that it will allow for the implementation of treaty guaranteed rights in a manner consistent with U.S. obligations to Canada. The rule will not result in a

major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/09/84	49 FR 27937
Final Action	09/00/85	

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior - 18th and C Sts., NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB12

1161. PRESERVATION OF ANTIQUITIES

Legal Authority: 16 USC 470aa

CFR Citation: 25 CFR 261

Abstract: Part 261 is authorized by the Antiquities Act of 1906 (16 U.S.C. 432) which has been largely superseded by the Archeological Resources Protection Act (16 U.S.C. 470aa). This Part has been redesignated from 25 CFR Part 132.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Agency Contact: George Farris, Chief, Environmental Service Staff, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-6574**

RIN: 1076-AA44

1162. HERITAGE PRESERVATION

Legal Authority: 16 USC 469; 16 USC 470aa; 16 USC 470f; 42 USC 1996

CFR Citation: 25 CFR 262

Abstract: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit. This Part has been redesignated from 25 CFR Part 281.

Timetable:

Action	Date	FR Cite
NPRM Subpart A	09/15/80	45 FR 60923
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: George Farris, Chief, Environmental Services Staff, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-6574**

RIN: 1076-AA45

1163. CONTRACTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Significance: Regulatory Program

Legal Authority: 25 USC 450; 41 USC 501

CFR Citation: 25 CFR 271

Abstract: A proposed rule, published in 47 FR 40326 on September 13, 1982, changed regulations to provide assistance to tribes from contracts to grants or cooperative agreement and for other purposes. The public comments to the proposed rule were overwhelmingly unfavorable. Consequently, the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over contracts, (2) eliminate obsolete and unnecessary requirements, and (3) to clarify or simplify the regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40326
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Myron Rock, Self-Determination Program Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4796**

RIN: 1076-AA47

1164. CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT (SUBPART H - NEW SCHOOL STARTS AND PROGRAM EXPANSIONS)

Significance: Regulatory Program

Legal Authority: 88 Stat. 2203; 42 Stat. 208

CFR Citation: 25 CFR 271

Abstract: The purpose of the addition of the new rule "New Starts and Program Expansions," is to establish uniform application procedures and approval criteria for tribes seeking to operate new schools or to expand existing education programs through funding by the Indian School Equalization Formula. This rule would provide further clarification and refine existing criteria established in Part 271 of Public Law 93-638 which do not address tribal operation of schools on an indepth basis.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: Adds a new Subpart H to 25 CFR 271.

Agency Contact: Nancy Garrett, Deputy Director, OIEP, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, **202 343-2123**

RIN: 1076-AB49

1165. GRANTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Significance: Regulatory Program

Legal Authority: 25 USC 450h

CFR Citation: 25 CFR 272

Abstract: The purpose of this rule is (1) to provide for changes in administrative processes, (2) to establish procedures and definitions consistent with other parts of this chapter, and (3) to ensure

that self-determination grants are consistent with legislative intent.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40338
NPRM	09/00/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: George Clark, Self-Determination Program Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4096**

RIN: 1076-AA48

1166. EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

Legal Authority: 25 USC 455 to 457

CFR Citation: 25 CFR 273

Abstract: A proposed rule was published in 47 FR 40340 on September 13, 1982 to provide consistency with 25 CFR Part 271. That is, to provide assistance to tribes by grant or cooperative agreement rather than by contract. The public comments were unfavorable to the proposed revision, consequently the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over contracts, (2) clarify the relationship between tribes and Indian education committees, and (3) to otherwise organize the subparts for easier use.

Timetable:

Action	Date	FR Cite
Final Action implementing one subsection (school lunch provision)	12/23/82	47 FR 57274
NPRM	09/30/85	
Final Action	12/31/85	

Small Entity: No

Additional Information: Originally scheduled: May 1978.

Affected Sectors: None

Government Levels Affected: Local, Federal

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-6364**

RIN: 1076-AA49

1167. SCHOOL CONSTRUCTION CONTRACTS OR SERVICES FOR TRIBALLY OPERATED PREVIOUSLY PRIVATE SCHOOLS

Significance: Regulatory Program

Legal Authority: 25 USC 458; 25 USC 458d; PL 93-638; PL 95-561; PL 96-46

CFR Citation: 25 CFR 274

Abstract: A proposed rule was published in 47 FR 40348 on September 13, 1982, to change from contracts to grants and cooperative agreements as the method of providing assistance to tribes. The public comments were unfavorable to the proposed revision. Consequently the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over school construction contracts, (2) to include the Office of Indian Education Programs in the application and approval procedures and (3) remove unnecessary administrative language. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40348
NPRM	09/00/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Harvey Jacobs (202) 343-4493 (see Agency Contact heading for address). Originally scheduled: April 1981.

Affected Sectors: None

Government Levels Affected: Local, Federal

Agency Contact: Richard Glynn, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4576**

RIN: 1076-AA50

1168. STAFFING

Significance: Agency Priority

Legal Authority: 42 USC 4762; 25 USC 450i; 26 USC 48

CFR Citation: 25 CFR 275

Abstract: This part outlines methods available to tribes for utilizing the services of Bureau employees. Revisions will be made to include the Office of Indian Education Programs in the application and approval procedures for the awards under Public Law 93-638.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40352
NPRM	09/00/85	
Interim Final Rule	12/31/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Harvey Jacobs (202) 343-5517 (see Agency Contact heading for address). Originally scheduled: January 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Pat Fulgham, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-9306**

RIN: 1076-AA51

1169. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR CONTRACTS AND GRANTS

Significance: Regulatory Program

Legal Authority: PL 93-638

CFR Citation: 25 CFR 276

Abstract: This rule establishes the requirements for the uniform administration of contracts and grants to Indian Tribal Governments pursuant to P.L. 93-638.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40353
NPRM	09/00/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Peter Campanelli, Procurement Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-3498**

RIN: 1076-AA52

1170. SCHOOL CONSTRUCTION CONTRACTS FOR PUBLIC SCHOOLS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Significance: Regulatory Program

Legal Authority: 25 USC 458c(b); 41 USC 501

CFR Citation: 25 CFR 277

Abstract: A proposed rule was published in 47 FR 40353 on September 13, 1982, the purpose of which was to change the method of award to tribes from contracts and grants and cooperative agreements. The public comments were unfavorable to such a change. Consequently, the Bureau intends to publish a reproposed rule to (1) strengthen controls over school construction contracts, (2) to provide changes in administrative processes and (3) to remove unnecessary administrative language.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40356
NPRM	09/00/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Frank Latta, Chief, Division of School Facilities, Department of the Interior, Bureau of Indian Affairs, P.O. Box 1788, Albuquerque, NM 87103, **505 766-2985**

RIN: 1076-AA53

1171. SPECIAL ECONOMIC DEVELOPMENT AND CORE MANAGEMENT FOR SMALL TRIBES

Significance: Regulatory Program

Legal Authority: 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 278

Abstract: This Part will contain regulations which offer grants to Indian tribes for business development, development of natural resources, and which encourage non-Federal investment and promote sound business principles and offer core management grants to small tribes to permit such tribes to establish and maintain competent and responsible management capabilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/13/83	48 FR 32006
NPRM	08/14/85	50 FR 32741
Final Action	10/00/86	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Woodrow Sneed, Financial Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-1401**

RIN: 1076-AA54

1172. BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 891

CFR Citation: 48 CFR 1480

Abstract: This rule will be codified as the new 48 CFR 1480 instead of the old 41 CFR Part 14H to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding building construction) entered pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
NPRM	10/08/82	47 FR 44678
Proposed	11/15/84	49 FR 45187
ANPRM	09/00/85	
Final Action	09/00/85	
Final Action Effective	10/00/85	

Small Entity: Yes

Additional Information: Originally scheduled: April 1982.

Agency Contact: Peter A. Campanelli, Procurment Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-5125**

RIN: 1076-AA56

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Existing Regulations Under Review

1173. CARE OF INDIAN CHILDREN IN CONTRACT SCHOOLS

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 22

Abstract: 25 CFR 22 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	09/30/85	

Small Entity: Undetermined

Agency Contact: Ed Brown, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, **202 343-6434**

RIN: 1076-AB50

1174. PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGEMENT FUNDS AWARDED TO THE PEMBINA BAND OF CHIPPEWA INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1241 et seq

CFR Citation: 25 CFR 68

Abstract: This rule, which is scheduled for review, governs the one-time compilation of a roll of lineal descendants of members of the Pembina Band of Chippewa Indians as it was constituted in 1863 pursuant to the Act of July 29, 1971. The roll is to serve as the basis for a distribution of an apportioned share of judgment funds awarded the Pembina Band of Chippewa Indians. This Part has been redesignated from 25 CFR Part 43g.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	10/01/85	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB57

1175. PREPARATION OF A ROLL OF ALASKA NATIVES

Legal Authority: 43 USC 1601 et seq; PL 94-204

CFR Citation: 25 CFR 69

Abstract: This rule, which is subject to review, governs the preparation of a roll of Alaska Natives pursuant to the Alaska Native Claims Settlement Act, as amended. Persons whose names are included on the Alaska Native roll are eligible to participate in benefits under ANCSA. This Part has been redesignated from 25 CFR Part 43h.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	10/01/85	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB56

1176. REVISION OF THE MEMBERSHIP ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Legal Authority: PL 85-154

CFR Citation: 25 CFR 75

Abstract: This rule, which is subject to review, governed the revision authorized by the Act of August 21, 1957, Pub. L. 85-154, (71 Stat. 374), of the membership roll of the Eastern Band of Cherokee Indians, North Carolina, prepared and approved in accordance with the Act of June 4, 1924 (43 Stat. 376), and the Act of March 4, 1931 (46 Stat. 1518). The rule also provides procedures for maintaining a current membership roll. This Part has been redesignated from 25 CFR Part 47.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	10/01/85	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB54

1177. PAYMENT OF ATTORNEY FEES WITH APPROPRIATED FUNDS

Legal Authority: 25 USC 13; 25 USC 450 et seq

CFR Citation: 25 CFR 89.40 to 43

Abstract: There is a question of whether child custody proceedings under the Indian Child Welfare Act and requests for non-litigation services should comply with part 89. There is also a question of whether Indian allottees are eligible to receive appropriated funds.These issues will be addressed via the rulemaking process.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: M. Franklin Keel, Staff Assistant, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-5474

RIN: 1076-AB53

1178. LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Abstract: This Part is being revised to improve the processing of U.S. direct loan applications, improving the collection procedures currently used, and expediting the processing of expert assistance loans.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	
Begin Review	04/01/86	
End Review	09/01/86	

Small Entity: Undetermined

Agency Contact: Joe Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Main Interior Bldg., Room 4062, 18th and C Sts., NW, Washington, DC 20245, 202 343-5324

RIN: 1076-AB17

1179. ● LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Significance: Agency Priority

Legal Authority: 25 USC 70N; 77 Stat. 301

CFR Citation: 25 CFR 101

Abstract: Loans from the Indian Revolving Loan Fund shall be made for purposes which will improve and promote the economic development on Indian reservations. Individual loan ceiling increased from $100,000 per applicant to $350,000. In addition, it opened the program to individuals whose tribes had their own relending program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/86	
Final Action	06/01/86	
Final Action Effective	09/01/86	

Small Entity: No

Affected Sectors: None

Agency Contact: Joseph Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Rm. 4060-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3657

RIN: 1076-AB84

1180. ● REGULATIONS FOR PRO RATA SHARES OF TRIBAL FUNDS

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 112

Abstract: Procedures and criteria for filing application for pro rata share of tribal funds. No alternatives are under active consideration. Regulations will be reviewed for any necessary updates, clarity, etc. No cost or benefit estimates applicable at this time.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/85	
End Review	10/31/85	

Small Entity: Undetermined

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076-AB65

1181. INDIVIDUAL INDIAN MONEY ACCOUNTS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Abstract: This rule, which is scheduled for review, describes the operation of the Individual Indian Monies Accounts maintained by the Bureau for individual Indians and groups.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: Donald M. Gray, Chief, Branch of Finance & Accounting, Department of the Interior, Bureau of Indian Affairs, 500 Gold S.W. - P.O. Box 127, Albuquerque, NM 87103, 505 474-3496

RIN: 1076-AA89

1182. ● DISTRIBUTION OF JUDGEMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

Legal Authority: 86 Stat. 1295

CFR Citation: 25 CFR 121

Abstract: 25 CFR 121 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

The regulations in this part govern the distribution, pursuant to the act of October 27, 1972, of judgement funds awarded to the Osage Tribe of Indians of Oklahoma.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, Rm. # 4661-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6364

RIN: 1076-AB66

1183. MANAGEMENT OF OSAGE JUDGEMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Legal Authority: 86 Stat 1295

CFR Citation: 25 CFR 122

Abstract: 25 CFR 122 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	11/30/85	

Small Entity: Undetermined

Agency Contact: Edward Lonefight, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, 202 343-4871

RIN: 1076-AB51

1184. ● PROCEDURES FOR DEPOSITING FUNDS TO THE CREDIT OF 14X6140- DEPOSITS OF PROCEEDS OF LANDS WITHDRAWN FOR NATIVE SELECTION, BIA

Significance: Agency Priority

Legal Authority: PL 94-204, 89 Stat. 1146; 43 USC 1613; 94 Stat. 2371

CFR Citation: 25 CFR 124, (Revision)

Abstract: Provide up to date and correct deposit procedures to be used by all Departments and Agencies of the Federal Government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: Betty L. Wilkinson, Acting Chief, Department of the Interior, Bureau of Indian Affairs, Division of Accounting Management, Room 4604, Main Interior, 18th & C Sts., NW, Washington, DC 20245, 202 343-7336

RIN: 1076-AB67

1185. OPERATION OF U.S.M.S. "NORTH STAR" BETWEEN SEATTLE, WASHINGTON AND STATIONS OF THE BUREAU OF INDIAN AFFAIRS AND OTHER GOVERNMENT AGENCIES, ALASKA

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 142

Abstract: The review of this rule was originally assigned an "End Review Date" of October 1984. During the 1985 Shipping Season, which extends from April through October 1985, the BIA will be conducting a test of the Department of Defense Coolbarge system. During that period, all Bureau-sponsored cargo will be shipped via Coolbarge and the USMS "Northstar" will be temporarily removed from service. If the test proves to be successful, then, the Northstar Operation (the use of the Bureau-held ship) will be permanently discontinued in favor of Coolbarge. After completing the test evaluation, decisions will be made regarding Northstar vs. Coolbarge. After the policy decisions are made, the regulation will be deleted or revised as appropriate to reflect and describe the new concept of Operation. The estimated completion date should be changed to October 1986.

Timetable:

Action	Date	FR Cite
End Review	10/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Gerald Taylor, Seattle Liaison Office, Department of the Interior, Bureau of Indian Affairs, Federal Building, Seattle, WA 98104, 206 764-3328

RIN: 1076-AA96

1186. ● LAND RECORDS AND TITLE DOCUMENTS

Legal Authority: 25 USC 5; 25 USC 9

CFR Citation: 25 CFR 150; 43 CFR 4

Abstract: This regulation will be reviewed with only minor changes expected due to a realignment of responsibilities concerning our title plants.

This rule sets forth authorities, policy and procedures governing the recording, custody, maintenance, use and certification of title documents, and the issuance of title status reports for Indian land.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
End Review	12/31/86	

Small Entity: No

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB68

1187. LAND ACQUISITIONS

Legal Authority: PL 97-459

CFR Citation: 25 CFR 151

Abstract: The Bureau proposes to publish amendments to Part 151 dealing with acquisition of fractional interests in land. Simultaneously, this rule will be reviewed to determine if all provisions are current and up-to-date.

Timetable:

Action	Date	FR Cite
NPRM	07/00/84	
NPRM Comment Period End	10/16/84	
End Review	12/31/85	

Small Entity: Undetermined

Additional Information: A recent District Court opinion has held that a portion of our Land Acquisition Regulations are unconstitutional. This decision is being appealed to the Supreme Court. Depending on outcome, these rules may have to be revised.

Agency Contact: William J. Bucholz, Chief, Div. of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AA81

1188. ● DETERMINATION OF COMPETENCY: CROW INDIANS

Legal Authority: 41 Stat. 755; 46 Stat. 1495

CFR Citation: 25 CFR 153

Abstract: A full review will be accomplished with a view towards determining whether this rule has outlived its usefulness or can be combined with one general "competency" part.

Governs the procedures in determining the competency of Crow Indians under Public Law 303, 81st Congress, approved September 8, 1949.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	09/30/86	

Small Entity: No

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB69

1189. ● REALLOTMENT OF LANDS TO UNALLOTTED INDIAN CHILDREN

Legal Authority: 25 USC 461 to 479; 25 USC 408

CFR Citation: 25 CFR 156

Abstract: Provides for the reallotment of original patent of lands to Indian children or the reallotment of land to when the original patent has been destroyed but if verifiable.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
End Review	12/31/86	

Small Entity: No

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB70

1190. ● SALE OF IRRIGABLE LANDS, SPECIAL WATER CONTRACT REQUIREMENTS

Legal Authority: 25 USC 385; 25 USC 386

CFR Citation: 25 CFR 159; 25 CFR 160; 25 CFR 171; 25 CFR 173

Abstract: This existing regulation will be reviewed in Calendar Year 1986 to determine whether to propose modifications through rulemaking.

Provides requirements for the payment of assessment fees and recordation of agreements in contracts to sell irrigable lands.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-5696

RIN: 1076-AB71

1191. ● INCLUSION OF LIENS IN ALL PATENTS AND INSTRUMENTS EXECUTED

Legal Authority: 25 USC 385; 25 USC 386

CFR Citation: 25 CFR 160; 25 CFR 134; 25 CFR 171; 25 CFR 173

Abstract: This existing regulation will be reviewed in Calendar Year 1986 to determine whether to propose modifications through rulemaking.

The rule implements the act of March 7, 1923, which created a first lien against irrigable lands under all Indian irrigation projects where the construction, operation and maintenance costs of such projects remain unpaid and are reimbursable, and directs that such lien shall be recited in any patent or instrument issued for such lands to cover such unpaid charges.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-5696**

RIN: 1076-AB72

1192. ● OPERATION AND MAINTENANCE

Legal Authority: 25 USC 385; 25 USC 386

CFR Citation: 25 CFR 171; 25 CFR 159; 25 CFR 160; 25 CFR 173

Abstract: This existing regulation will be reviewed in Calendar Year 1986 to determine whether to propose modifications through rulemaking.

Procedures governing the delivery of water to irrigation projects or units and the establishment of an annual operation and maintenance assessment rate for such sites.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-5696**

RIN: 1076-AB74

1193. ● CONCESSIONS, PERMITS AND LEASES ON LANDS WITHDRAWN OR ACQUIRED IN CONNECTION WITH INDIAN IRRIGATION PROJECTS

Legal Authority: 25 USC 385; 25 USC 386

CFR Citation: 25 CFR 173; 25 CFR 159

Abstract: This existing regulation will be reviewed in Calendar Year 1986 to determine whether to propose modifications through rulemaking.

This rule governs the granting of concessions, business, agricultural and grazing leases or permits on reservoir sites, reserves for canals or flowage areas, and other lands withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead and Duck Valley or Western Shoshone irrigation projects.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-5696**

RIN: 1076-AB73

1194. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Abstract: This rule is being revised to insure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076-AB41

1195. LEASING OF OSAGE RESERVATION LANDS, OKLAHOMA, FOR MINING EXCEPT OIL AND GAS

Legal Authority: Sec. 3, 34 Stat. 543

CFR Citation: 25 CFR 214

Abstract: This rule is being reviewed and updated to take account of changes in mineral market conditions, interest rates, and various aspects of the local situation on the Osage Reservation since the rule was originally published.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076-AB42

1196. ● LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

Legal Authority: Sec. 26, 41 Stat. 1248; 50 Stat. 68

CFR Citation: 25 CFR 215; 25 CFR 212; 30 CFR Chapter II

Abstract: The regulations in this part provide the procedures and processes for lead and zinc mining operations and leases within the Quapaw Agency. No changes to the regulations are being considered at this time.

Timetable:

Action	Date	FR Cite
Begin Review	08/30/86	
End Review	09/30/86	

Small Entity: No

Agency Contact: Joseph C. Johnston, Chief, Division of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AB75

1197. ● MANAGEMENT OF TRIBAL ASSETS OF UTE INDIAN TRIBE, UINTAH AND OURAY RESERVATION, UTAH, BY THE TRIBE AND THE UTE DISTRIBUTION CORP

Significance: Agency Priority

Legal Authority: 25 USC 677 to 677aa Secs 27 & 28 of the Act of 8/27/54; 68 Stat. 868; 5 USC 301; 230 DM 1 and 2; 25 USC 2 Sec 463 of the Revised Statutes; 25 USC 9 Sec 465 of the Revised Statutes

CFR Citation: 25 CFR 217

Abstract: The regulations state that the assets shall be managed jointly by the business committee and the board of directors. These regulations set out the procedures for exercising such joint management. There is currently a conflict concerning these regulations which may justify a review.

Timetable:

Action	Date	FR Cite
Begin Review	08/30/86	
End Review	09/30/86	

Small Entity: Undetermined

Agency Contact: Joseph C. Johnston, Chief, Division of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AB78

1198. OIL AND GAS MINERAL AGREEMENTS

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 783

CFR Citation: 25 CFR 225

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382, which authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
End Review	10/30/85	
Final Action	10/30/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Joseph Johnston, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AA82

1199. ● LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 226; 25 CFR 2

Abstract: The regulations in this part provide procedures and processes for oil and gas mining leasing of Osage Reservation lands. Changes are being considered.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: Undetermined

Agency Contact: Joseph C. Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AB79

1200. ● LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING

Legal Authority: Sec 1, 39 Stat. 519

CFR Citation: 25 CFR 227; 30 CFR Chapter II; 17 CFR Chapter II; 30 CFR 221; 25 CFR 211.26(d)

Abstract: The regulations in this part provide the procedures and processes for acquiring leases, processes of payment of royalties and rents and leasing operations on certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining. No changes are being considered at this time.

Timetable:

Action	Date	FR Cite
Begin Review	08/30/86	
End Review	09/30/86	

Small Entity: No

Agency Contact: Joseph C. Johnston, Chief, Divison of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AB80

1201. ● INDIAN FISHING IN ALASKA

Legal Authority: 25 USC 2; 25 USC 9; 43 USC 1457; 26 Stat. 110; 48 USC 358; 39 Stat. 1777; 49 Stat. 1250; 48 USC 358; 72 Stat. 339; 73 Stat. 141

CFR Citation: 25 CFR 241

Abstract: The purpose of the regulations is to regulate all fishing within the Annette Islands Reserve and to regulate Indian and other native commercial fishing in the Kariuk Indian Reservation, Alaska. The alternative of no regulation would not protect Indian fishing rights.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: Undetermined

Government Levels Affected: Local, Federal

Agency Contact: Gary Rankel, Chief, Branch of Fish,Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Rm. 4555-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB81

1202. ● USE OF COLUMBIA RIVER INDIAN IN-LIEU FISHING SITES

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 248

Abstract: This section provides regulations for the use of any of the lands acquired by the Secretary of War and transferred to the Secretary of the Interior pursuant to the Act of March 2,

1945 (59 Stat. 22), as amended, as "in lieu sites" to replace Indian fishing grounds submerged or destroyed as a result of the construction of the Bonneville Dam. The alternative of no regulation would not protect Indian fishing rights.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: Undetermined

Government Levels Affected: Local, Federal

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Rec., Department of the Interior, Bureau of Indian Affairs, Rm. 4555-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4088**

RIN: 1076–AB82

1203. OFF-RESERVATION TREATY FISHING

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301

CFR Citation: 25 CFR 249

Abstract: This rule, which is scheduled for review, governs protection of off-reservation nonexclusive fishing rights; promotes proper management, conservation and protection of fisheries resources; and provides for determination of restrictions on the manner of nonexclusive fishing privileges.

Timetable:

Action	Date	FR Cite
End Review	10/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4088**

RIN: 1076–AB00

1204. INDIAN FISHING: HOOPA VALLEY INDIAN RESERVATION

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301; Reorganization Plan No. 3 of 1950; 64 Stat. 1262

CFR Citation: 25 CFR 250

Abstract: This rule, which contains the regulations for the Hoopa fishery, will be revised to remove burdensome requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/24/83	48 FR 29004
End Review	00/00/00	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior, 18th & C Streets, N.W., Washington, DC 20245, **202 343-4088**

RIN: 1076–AA83

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Completed Actions

COMPLETED RULEMAKINGS

1205. ESTATES OF INDIANS OF THE FIVE CIVILIZED TRIBES

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 16

Abstract: This rule amends existing regulations to reflect the consolidation of the Muskogee Field Office of the Solicitor with the Tulsa Regional Office of the Solicitor.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1381
NPRM Comment Period Begin	01/11/84	49 FR 1381
NPRM Correction	01/19/84	49 FR 2267
NPRM Comment Period End	02/21/84	
Final Action	03/29/85	50 FR 12527
Final Action Effective	04/29/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Affected Sectors: None

Government Levels Affected: Federal

Analysis: N/A

Agency Contact: Larry R. Blair, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, Code 450, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-6434**

RIN: 1076–AB19

1206. TRANSFER OF INDIAN EDUCATION FUNCTIONS

Legal Authority: 92 Stat 2143; 92 Stat 2391; 25 USC 2006

CFR Citation: 25 CFR 33

Abstract: 25 CFR 33 has been reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	09/30/85	
Final Action	09/30/85	

Small Entity: Undetermined

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, **202 343-6364**

RIN: 1076–AB52

1207. PRE-KINDERGARTEN PROGRAM STANDARDS

Legal Authority: 25 USC 450F

CFR Citation: 25 CFR 37

Abstract: The development of Pre-kindergarten Program Standards will formalize and provide consistency to the Bureau's Pre-kindergarten program operation. The regulations will address eligibility requirements, minimum performance standards, administrative and organizational requirements, curriculum, instruction, staff development, parental involvement,

student achievement, student support services and evaluation. Equitable distribution of funds and duplication of program efforts will be two potential cost benefits due to this action.

Timetable:

Action	Date	FR Cite
Withdrawn	08/27/85	

Small Entity: Undetermined

Additional Information: This action is linked to RIN 1076-AA08.

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-6364

RIN: 1076-AB01

1208. LICENSED INDIAN TRADERS

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301

CFR Citation: 25 CFR 140

Abstract: On April 25, 1980, the Bureau published a proposed rule that would have amended the regulations governing Indian traders on most Indian reservations. That proposal would have restricted application of the regulations to businesses located in isolated communities where there is an absence of competition. Most comments received were strongly opposed to the proposal and supportive of diligent enforcement of the trader regulations on all Indian reservations. In response to those comments, the Bureau has proposed to modernize the trading regulations by adopting as its regulations the consumer protection statutes of the state where the business is located. This Part has been redesignated from 25 CFR Part 251. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	01/06/81	46 FR 1298
Final Action	06/21/84	49 FR 25433
Final Action Effective	07/23/84	
End Review	03/15/85	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: Danny H. Breuninger, Criminal Investigator, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5039

RIN: 1076-AA24

COMPLETED REVIEWS

1209. ESTATES OF INDIANS OF THE FIVE CIVILIZED TRIBES

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 16

Abstract: This rule, which is scheduled for review, sets forth procedures in connection with the performance by State courts of certain functions which affect properties in which restricted interest owned by an Indian of the Five Civilized Tribes. In addition, this Part includes certain other responsibilities of the Secretary, such as escheat of estates of deceased Indians of the Five Civilized Tribes.

Timetable:

Action	Date	FR Cite
End Review	06/06/85	

Small Entity: Undetermined

Additional Information: Review completed. No changes recommended. Rule still needed.

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AA87

1210. FEDERAL SCHOOLS FOR INDIANS

Legal Authority: 41 Stat. 410, Sec 1; 25 USC 282

CFR Citation: 25 CFR 31

Abstract: 25 CFR 31 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	09/30/85	

Small Entity: Undetermined

Additional Information: 25 CFR 31 needs to be reviewed and updated to be current and consistent with existing Bureau education policies. (25 CFR 31.3 has been revised and published as a proposed rule on non-eligible students. Separate submission is being made on this.)

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18 & C Sts. NW, Washington, DC 20245, 202 343-6364

RIN: 1076-AB46

1211. DEPOSIT AND EXPENDITURE OF INDIVIDUAL FUNDS OF MEMBERS OF THE OSAGE TRIBE OF INDIANS WHO DO NOT HAVE CERTIFICATES OF COMPETENCY

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 117

Abstract: Procedures for management of funds (deposits, charges, compensations to be paid out, etc.) for members of the Osage Tribe who do not have certificates of competency, for minors; compensation for guardians and attorneys; protection of these individuals' trust resources. No alternatives are under active consideration. Regulations will be reviewed for any necessary updates, clarity, etc. No cost or benefit estimates applicable at this time.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	03/01/85	

Small Entity: No

Agency Contact: Betty Wilkinson, Acting Chief, Div. of Accounting Management, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, Main Interior, Washington, DC 20245, 202 343-7336

RIN: 1076-AB18

1212. ALASKA NATIVE FUND

Legal Authority: PL 92-203; PL 95-178

CFR Citation: 25 CFR 123

Abstract: This part which prescribes the process for distribution of the Alaska Native Fund is scheduled for review.

Timetable:

Action	Date	FR Cite
End Review Rule no longer needed. Fund Distribution completed 12/10/81	06/25/84	
Begin Review	09/00/84	

Small Entity: No

Agency Contact: Betty Wilkinson, Financial Manager, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue NW, Washington, DC 20245, 202 343-4595

RIN: 1076-AB15

1213. BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS

Legal Authority: 25 USC 261 to 264

CFR Citation: 25 CFR 141

Abstract: This rule which prescribes the process for regulation of reservation businesses for the protection of Indian consumers on the Navajo, Hopi and Zuni Reservations is scheduled for review.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/84	
End Review	03/20/85	

Small Entity: Undetermined

Agency Contact: Danny Breuninger, Criminal Investigator, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-5039

RIN: 1076-AB14

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI) Current and Projected Rulemakings

Minerals Management Service (MMS)

1214. SUSPENSION AND DEBARMENT AS ADDITIONAL PENALTY

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq

CFR Citation: Not yet determined

Abstract: The Minerals Leasing Act and Federal Oil and Gas Royalty Management Act authorize assessing significant penalties for the failure to pay royalties. These penalties include financial penalties, criminal sanctions, and the authority to revoke leases. Although debarring authority is not explicitly granted, we believe we have that authority. It is needed because the other remedies may not be effective. The process approval is complicated and time consuming. There may be little incentive for a company to comply at the outset. Debarment would provide that incentive. The alternative considered is operating only under the present penalty regulations at 30 CFR 241.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010-AA72

1215. ADMINISTRATION OF 20 PERCENT SET ASIDE

Significance: Regulatory Program

Legal Authority: 15 USC 751

CFR Citation: Not yet determined

Abstract: Regulation for 20 percent set aside administration is needed for oversight of section 8(b)(7) of the Outer Continental Shelf Lands Act. The alternative is no oversight. The potential benefits and costs of this action have not been determined.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010-AA73

1216. DEVELOPMENT AND PRODUCTION OPERATIONS FOR NONENERGY MINERALS ON THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: Not yet determined

Abstract: Proposes the desirability of new regulations to govern Production and Development Operations on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a lease document. Promulgation of regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The regulation will require that hard mineral operations are conducted in a manner that will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA81

1217. ● NONDISCRIMINATION IN EMPLOYMENT IN THE OUTER CONTINENTAL SHELF

Significance: Agency Priority

Legal Authority: 43 USC 1863; 43 USC 1331 et seq; 42 USC 2000d to 2000e

CFR Citation: Not yet determined

Abstract: There are no provisions in current Minerals Management Service regulations which provide a mechanism for remedy of unlawful discrimination in Outer Continental Shelf (OCS) employment. Rules would be developed to provide a process whereby persons who believed they had been denied employment because of unlawful discrimination would have a forum. These rules would implement the purposes of section 604 of the OCS Lands Act Amendment of 1978. Alternatives considered are no action, issuance of a policy statement and no rules, and proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, costs are expected to be minimal. Benefits would be the assurance that the requirements of section 604 are being fully carried out.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA87

1218. VALUATION OF SOLID MINERALS OTHER THAN COAL

Legal Authority: 30 USC 192 et seq; 25 USC 2102

CFR Citation: 30 CFR 201 to 249

Abstract: The proposed regulation will revise old and develop new sections to cover Royalty Management's increased responsibilities required by Federal Law. This would clarify existing regulations.

Timetable:

Action	Date	FR Cite
No action at this time		
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA58

1219. MISCELLANEOUS AMENDMENTS TO ROYALTY MANAGEMENT REGULATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 1701 et seq

CFR Citation: 30 CFR 202; 30 CFR 212; 30 CFR 218

Abstract: The proposed amendments would ensure consistency with other Royalty Management regulations and would conform to present practices. The amendments include elimination of references in regulations to provide a monthly statement of account to lessees. The potential costs and benefits of this action have not been determined. The alternative is to continue the present system of inconsistency within Royalty Management regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA80

1220. VALUATION OF OIL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206; 25 CFR 211; 25 CFR 212

Abstract: Consistent oil valuation for royalty computation purposes from Federal and Indian leases will be prepared in response to a Linowes Commission recommendation that the Minerals Management Service issue detailed, definitive product valuation guidelines.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
NPRM	09/00/85	

Small Entity: No

Additional Information: Merged in part from 1010-AA60 Submittal of Sales Contracts, Division Orders, and Similar Documents.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Royalty Standards and Measurements Division, Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA30

1221. COMPUTATION OF OIL AND GAS TRANSPORTATION ALLOWANCE

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: These regulations will establish consistent procedures for the determination of the oil and gas transportation deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Royalty Standards & Measurements Div., Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA45

1222. COMPUTATION OF GAS PROCESSING DEDUCTIONS

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: These regulations will provide consistent procedures for the determination of the gas processing deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	10/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Royalty Standards & Measurements Div., Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, 303 231-3184

RIN: 1010-AA46

1223. VALUATION OF GAS AND GAS PRODUCTS FOR ROYALTY PURPOSES, FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: Consistent gas and gas products valuation regulations for Royalty computation purposes, from Federal and Indian leases will be prepared. These regulations are in response to a Linowes Commission recommendation that Minerals Management Service issue detailed, definitive product valuation regulations. These regulations will provide clear terms and procedures and will help clarify areas which are ambiguous. A part of RIN 1010-AA30 and all of RIN 1010-AA40 were merged into this rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, 303 231-3184

RIN: 1010-AA54

1224. ● VALUATION OF COAL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 192 et seq

CFR Citation: 30 CFR 206

Abstract: This regulation will provide consistent valuation procedures for coal for the purpose of royalty computations. It is being prepared in response to a Linowes Commission recommendation for a detailed definitive product valuation regulation which contains clear terms and procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	10/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983. Merged in part from 1010-AA42, Submittal of Sales Contracts, Division Orders, and Similar Documents.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards Div., Department of the Interior, Minerals Management Service, Denver Federal Center, Bldg. 85, Lakewood, CO 80225, 303 231-3184

RIN: 1010-AA83

1225. ● NOTICE TO LESSEES NO. 5 (NTL-5) VALUATION OF NATURAL GAS PRODUCED FROM ONSHORE FEDERAL AND INDIAN LEASES

Legal Authority: 30 USC 181 et seq

CFR Citation: 30 CFR 206.13

Abstract: Notice to Lessees No. 5 (NTL-5) requires payment of royalty on gas based on the higher of market price or the Federal Energy Regulatory Commission (FERC) ceiling price. This requirement is not appropriate in times of market "softness" when demand is low and market prices are universally lower than the FERC ceiling price. This proposal would allow royalty to be paid on the market price when it is lower than the FERC ceiling price. The alternative is no action which would result in the adverse effect of litigation by the industry against the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/15/85	

Small Entity: No

Additional Information: This proposal is for the purpose of correcting inequities existing as the result of imposing the present NTL-5 during a period of "softness" in the gas market. The revised NTL-5 is intended to be an interim action pending promulgation of final product valuation regulation for gas under RIN 1010-AA54.

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010-AA86

1226. INFORMATION COLLECTION - SOLID MINERALS

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 296d

CFR Citation: 30 CFR 210; 30 CFR 218

Abstract: The Department of the Interior intends to promulgate an interim rule requiring coal and other solid mineral operators/lessees to provide information to start-up and operate the Auditing and Financial System (AFS) for solid minerals produced on Federal and Indian lands. The data collected will be used to document payments, maintain royalty accounts, and for audits.

Timetable:

Action	Date	FR Cite
NPRM	06/20/85	50 FR 25585
NPRM Comment Period Begin	06/20/85	
NPRM Comment Period End	07/22/85	
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, 703 860-7511

RIN: 1010-AA62

1227. IMPLEMENTATION AND OPERATION OF THE PRODUCTION ACCOUNTING AND AUDITING SYSTEM (PAAS)

Legal Authority: 30 USC 1701 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 216

Abstract: The proposed regulations set out the specific reports required from operators of Federal and Indian Leases for the implementation and operation of the Production Accounting and Auditing System. This will ensure tighter controls on Federal lands and thus result in additional revenues for the Government.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	50 FR 12828
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	06/17/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, 703 860-7511

RIN: 1010-AA55

1228. ROYALTY PAYMENTS ON TAKE OR PAY CONTRACTS

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 218

Abstract: This action will reaffirm the Department's authority that royalties are due on proceeds under provisions of natural gas contracts on Federal and Indian lands. The potential costs and benefits of this action have not been determined. The alternative is not to promulgate this rule which would leave industry unclear as to what their obligations are under take or pay contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, Mail Stop 653, Bldg. 85, Lakewood, CO 80225, 303 231-3184

RIN: 1010-AA75

1229. DESIGNATION OF A SINGLE PAYOR FOR EACH FEDERAL AND INDIAN LEASE

Legal Authority: 30 USC 181 et seq

CFR Citation: 30 CFR 218

Abstract: The Department of the Interior is considering the establishment of a single payor requirement for each Federal and Indian lease. This was a specific recommendation by the Secretary's Advisory Committee on Minerals Accountability. The potential costs and benefits of this action have not been determined.

Timetable:

Action	Date	FR Cite
ANPRM	12/06/84	49 FR 47624
ANPRM Comment Period Begin	12/06/84	
ANPRM Comment Period End	01/07/85	
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010-AA76

1230. ● ACCOUNTING ADJUSTMENT DATE LIMITATION

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 218

Abstract: The regulation will limit accounting adjustments to 180 days after month of production by lessee. At present, accounting adjustments are made years later for very small amounts. There is a need to reduce the accounting entries to the account, which will generate a cost benefit. The potential costs and benefits of this action have not been determined. The alternatives of longer and shorter times have been considered, as well as maintaining the present system.

Timetable:

Action	Date	FR Cite
Notice of Intent	09/00/85	
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010-AA77

1231. ● CHARGES AND PENALTIES FOR LATE PAYMENT AND LATE REPORTING

Legal Authority: 31 USC 952; 96 Stat 1749 et seq

CFR Citation: 30 CFR 218

Abstract: This proposed rule would conform the Minerals Management Service Royalty Management regulations on non-payment and late payment of royalties, fees, and other assessments to the requirements of the Debt Collection Act of 1982 (DCA). This would be accomplished by requiring the payment of charges to cover the costs of processing and handling delinquent payments. The alternative to this action would be no action. That alternative would be contrary to law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	

Small Entity: No

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA91

1232. OIL AND GAS AND SULPHUR OPERATIONS ON THE OUTER CONTINENTAL SHELF (OCS)

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250, (Revision)

Abstract: The rules at 30 CFR 250 will be revised by consolidating regulations, OCS Orders, Notices to Lessees, and related offshore operating requirements into a unified body of regulations; eliminating burdensome and counterproductive requirements; adding performance standards; and simplifying and streamlining these rules to the maximum extent practicable. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry.

Timetable:

Action	Date	FR Cite
NPRM	11/15/85	
NPRM Comment Period Begin	11/15/85	
NPRM Comment Period End	02/00/86	
Final Action	05/00/86	

Small Entity: Undetermined

Additional Information: Merged in whole or in part into one rulemaking: 1010-AA11, 30 CFR 250.70 and .80, Penalties; 1010-AA13, 30 CFR 250.3, Disclosure of Information; 1010-AA25, OCS Order No. 2, para. 8, Safety Requirements for Drilling Operations in a H2S Environment; 1010-AA26, OCS Order No. 6, Well Completion of Oil & Gas Wells; 1010-AA28, OCS Order No. 11, Oil & Gas Production Rates, Prevention Waste, & Protection of Correlative Rights; 1010-AA32, 30 CFR 250.45, Reports of Accidents & Malfunctions; 1010-AA34, 30 CFR 250.75, Self-Inspection; 1010-AA47, 30 CFR 250.80-2, Remedies & Penalties; 1010-AA48, 30 CFR 250, Environmental Reports; 1010-AA49, 30 CFR 250, Protection of Cultural Resources; 1010-AA50, 30 CFR 250.35, Effects of Drilling & Reworking on Lease Term; 1010-AA51, OCS Order No. 5, Production Safety Systems; 1010-AA52; OCS Order No. 9, Pipelines.

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA53

1233. REMOVAL OF POSTPRODUCTION PLATFORMS

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Abstract: Information is being solicited concerning requirements governing removal of postproduction platforms. Changes could provide more latitude for disposition of platforms following the completion of OCS oil and gas operations. Benefits could include increased development of marine life, improvements in private and commercial fishing, and reduced costs to industry. Alternative is to leave existing rules unchanged.

Timetable:

Action	Date	FR Cite
ANPRM	11/13/84	49 FR 44924
ANPRM Comment Period Begin	11/13/84	
ANPRM Comment Period End	01/13/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA66

1234. SUSPENSION OF OPERATIONS AND LEASE CANCELLATION

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.12

Abstract: Amends the regulations to require the granting of an automatic suspension of operations to permit time to carry out the activities described in an approved development and production plan for a Gulf of Mexico lease in water depths of 400 to 900 meters. Alternatives considered include maintaining the current policy of discretionary suspensions and granting longer primary terms in deeper water. The amendment is expected to cut costs and increase Federal revenues by eliminating some of the uncertainties of operating in deeper water.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/24/84	49 FR 17449

Next Action Undetermined

Small Entity: No

Agency Contact: Jane A. Roberts, Legislative and Regulatory Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA64

1235. ● EIGHT-YEAR PRIMARY TERMS FOR LEASES IN 400 TO 900 METERS OF WATER

Significance: Agency Priority

Legal Authority: 43 USC 1337(b)(2)

CFR Citation: 30 CFR 250.34-1; 30 CFR 256.37

Abstract: The amendment would provide 8-year primary terms for leases in water depths of 400 to 900 meters with a requirement to commence an exploratory well within the first 5 years of the term. The longer term is to provide the time needed to explore, develop, and produce in deeper water. Current rules provide a 5-year term with an automatic suspension of operations to carry out the activities set out in an approved development and production plan. The rule applies to the Gulf of Mexico only. Alternatives considered include extending the automatic suspension provisions to all OCS, granting lease terms between 5 and 10 years at various water depths from 300 to 900 meters, or leaving the rules as is. The industry is expected to realize increased profit from marginal leases and the government should receive higher bids because the risk of losing the lease is decreased.

Timetable:

Action	Date	FR Cite
NPRM	06/11/85	50 FR 24546
NPRM Comment Period Begin	06/11/85	
NPRM Comment Period End	07/11/85	

Action	Date	FR Cite
Final Action Effective	01/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: **Jane Roberts**, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA89

1236. ● ACCIDENTS, FIRES, AND MALFUNCTIONS FACT-FINDINGS PROCEEDINGS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.45(c), (new)

Abstract: Proposes to establish procedures to obtain testimony from witnesses or persons who have knowledge of serious accidents, fires, blowouts, or spills that occurred during oil and gas and sulphur operations in the Outer Continental Shelf. The testimony would help accident investigation panels to determine the cause or probable cause of an accident under investigation. The procedures would facilitate meetings of investigatory panels and would reduce legal challenges to future Minerals Management Service fact-finding investigations. The alternative would be not to have procedures. The proposed rule is procedural in nature; therefore, it does not imply cost.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: **Mario Rivero**, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA88

1237. AIR QUALITY

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.57

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. A determination of potential costs and benefits cannot be made until responses to the Advance Notice of Proposed Rulemaking are analyzed.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM Comment Period Begin	01/07/85	
ANPRM Comment Period End	03/08/85	
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: **John Mirabella**, General Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA61

1238. PROSPECTING FOR NONENERGY MINERALS ON THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 257, or a new part to be determined

Abstract: Proposes the desirability of new regulations to govern exploration on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a permitting document rather than in regulations. Promulgation of regulations is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The rules will require that hard mineral operations will be conducted in a manner which will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/84	49 FR 47871
ANPRM Comment Period Begin	12/07/84	
ANPRM Comment Period End	04/08/85	
NPRM	01/20/86	

Small Entity: Undetermined

Agency Contact: **David A. Schuenke**, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA71

1239. ● REIMBURSEMENT TO PERMITTEES, GEOPHYSICAL

Legal Authority: 43 USC 1331; 43 USC 1352

CFR Citation: 30 CFR 251.13(b), (Revision)

Abstract: Regulation revisions will be needed to implement certain provisions concerning reimbursement which are expected to be included in the 1986 appropriations bill for MMS. It is anticipated that the bill will stipulate that permittees engaged in geological and geophysical exploration on the Outer Continental Shelf (OCS) be treated the same as lessees with respect to reimbursement for processed geophysical data provided by permittees to the MMS. If the appropriations bill does not contain the language requiring this change in reimbursement requirements for permittees, this item may be withdrawn from the agenda.

Timetable:

Action	Date	FR Cite
NPRM	10/15/85	
NPRM Comment Period Begin	10/15/85	
NPRM Comment Period End	01/15/86	

Small Entity: Undetermined

Agency Contact: **David A. Schuenke**, Chief, Rules, Orders and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA90

1240. ● AREA ADJACENT TO A STATE

Legal Authority: 43 USC 1352

CFR Citation: 30 CFR 252.2(e)

Abstract: Amendment would revise the definition of area adjacent to a State. Current regulations give the definition

as that portion of the OCS within a planning area if such planning area is bordered by that State. Under current rules New York and Rhode Island are not considered adjacent to the North Atlantic planning area but are adjacent to the Mid-Atlantic planning area. The amendment would deem both states adjacent to both planning areas for the purpose of inspecting proprietary information. Alternatives include leaving the current rule as is or deeming the states adjacent the North Atlantic planning area and not the Mid-Atlantic.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	02/00/86	
Final Action Effective	03/00/86	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA92

1241. SHARING OF PROPRIETARY INFORMATION WITH STATES

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 252.7; 30 CFR 251.14; 30 CFR 250.4

Abstract: Elaborates more fully MMS policy with regard to sharing proprietary information with states which is required by sections 8(g) and 26(d) of the OCS Lands Act. The elaboration of the MMS policy will have no economic effect. The alternative is to not promulgate this amendment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA67

1242. ISSUANCE OF LEASES FOR NONENERGY MINERALS ON THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 256 or new part to be determined

Abstract: Proposes the desirability of new regulations to govern lease issuance on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to not have leasing requirements in regulations. Promulgation of regulation for leasing of hard mineral resources is not expected to add to the cost to industry. Regulations will ensure uniform leasing policy for all interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	04/19/85	50 FR 15590
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA82

1243. APPEALS PROCEDURES

Legal Authority: 25 USC 396; 25 USC 396a; 30 USC 181 to 287; 30 USC 351 to 359; 30 USC 1001 to 1025; 30 USC 1701 to 1757; 43 USC 1331 to 1356

CFR Citation: 30 CFR 290

Abstract: Revisions to 30 CFR 290 are needed to assure that the administrative appeals procedures are compatible with the newly adopted civil penalty regulations of 30 CFR 241, are in accord with current organizational configurations, and contain new provisions concerning filing dates and the submission of confidential information. Persons exercising administrative appeals rights would be required to identify information that they claim is exempt from public disclosure and to provide second copies of appeals documents. The procedural revisions should increase efficiencies in processing appeals and reduce risks of inadvertent disclosure of private information. The maximum estimated total cost of the proposed revisions is not expected to exceed $5,000 per year for all affected persons.

Timetable:

Action	Date	FR Cite
NPRM	12/15/85	

Small Entity: No

Agency Contact: C. Eric Hager, Staff Assistant (Appeals), Department of the Interior, Minerals Management Service, Mail Stop 623, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7251**

RIN: 1010-AA68

DEPARTMENT OF THE INTERIOR (DOI) Existing Regulations Under Review

Minerals Management Service (MMS)

1244. DIRECT PAYMENT OF ROYALTIES TO INDIAN TRIBES OR ALLOTTEES

Legal Authority: 25 USC 396; 25 USC 476; 25 USC 477; 25 USC 509

CFR Citation: 30 CFR 218; 25 CFR 211; 25 CFR 212

Abstract: The Minerals Management Service is considering direct payment of minerals royalties to Tribes or allottees. Annually, about $175 million is distributed to approximately 20,000 individual allottees and Tribes. The payments are sent by the payor to MMS and from MMS to the Bureau of Indian Affairs for distribution. The present system increases the risk of making late or wrong payment and is extremely expensive and inefficient to administer. Also, accountability is

difficult to establish under the present system.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/84	
End Review	12/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, (Mail Stop 66), Reston, VA 22091, **703 860-7511**

RIN: 1010-AA78

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Completed Actions

COMPLETED RULEMAKINGS

1245. SUSPENSION OF OPERATIONS FOR LEASES IN WATER DEPTHS OF 400 TO 900 METERS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.12

Abstract: Amends the regulations to require the granting of an automatic suspension of operations to permit time to carry out the activities described in an approved development and production plan for leases in the Alaska, Atlantic, and Pacific OCS Regions in water depths of 400 to 900 meters (the amendment has already been made for the Gulf of Mexico OCS Region). It is expected to cut costs and increase Federal revenues by eliminating some of the uncertainties of operating in deeper water. Alternatives considered include maintaining the current policy of discretionary suspensions and granting longer primary terms in deeper water.

Timetable:

Action	Date	FR Cite
Withdrawn - it has been determined not to start action on this rule	08/00/85	

Small Entity: No

Agency Contact: John Mirabella, General Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA69

1246. VALUATION OF GAS AND GAS PRODUCTS FOR ROYALTY PURPOSES FROM INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: This guideline will provide consistent valuation procedures for Royalty computations for gas and gas products from Indian leases. This guideline is being prepared in response to a Linowes Commission recommendation for detailed, definitive product valuation guidelines which contain clear terms and procedures.

Timetable:

Action	Date	FR Cite
Withdrawn Merged with RIN 1010-AA54	08/07/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 653, Bldg. 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA40

1247. MEDIAN VALUE CALCULATION FOR DETERMINING OFFSHORE NATURAL GAS ROYALTIES

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: Median value calculation for determining offshore natural gas royalties is being considered. Present method allows inconsistencies resulting from unclear procedures. The potential benefits and costs of the action have not been determined. The alternative is to leave existing rules unchanged.

Timetable:

Action	Date	FR Cite
Withdrawn - no longer needed	08/07/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA79

1248. SUBMITTAL OF SALES CONTRACTS, DIVISION ORDERS AND SIMILAR DOCUMENTS

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 207; 30 CFR 210

Abstract: Delete Part 207 and revise and consolidate into Part 210. This action will consolidate requirements for submittal of Sales contracts, Division Orders, and similar documents. There is no change in costs and benefits from this streamlining action.

Timetable:

Action	Date	FR Cite
Withdrawn merged in whole or part with 1010-AA30, 1010-AA42 and 1010-AA54	08/07/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA60

1249. ROYALTY-IN-KIND CRUDE OIL

Legal Authority: 30 USC 181 et seq; 43 USC 1331 et seq; 30 USC 1701 et seq

CFR Citation: 30 CFR 208; 30 CFR 209

Abstract: The royalty-in-kind provisions of these rules, some of which were transferred from the Department of Energy, will be revised in order to

simplify and streamline the Federal Government's process for selling its royalty crude. The contents of existing 30 CFR 208 and 30 CFR 209 will be combined at new 30 CFR 208. 30 CFR 209 will be removed.

Timetable:

Action	Date	FR Cite
Withdrawn	08/07/85	
NPRM	09/00/86	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA31

1250. AUDIT STANDARDS FOR COOPERATIVE AGREEMENTS

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 228

Abstract: This regulation will establish minimal acceptable standards necessary for a state or Indian Tribe to enter into a cooperative agreement with the Minerals Management Service; and the information necessary to carry out the activities authorized under the terms of the cooperative agreement.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Withdrawn incorporated into previous rulemaking 1010-AA57	08/07/85	

Small Entity: Undetermined

Agency Contact: Milton K. Dial, Chief, Royalty Compliance Division, Department of the Interior, Minerals Management Service, Denver, Federal Center, Building 85, Lakewood, CO 80225, **303 231-3011**

RIN: 1010-AA56

1251. PENALTY CEILING

Legal Authority: 30 USC 181 et seq

CFR Citation: 30 CFR 241

Abstract: The amendment will eliminate penalty ceiling in 30 CFR 241.20 and will make it consistent with 30 CFR 241.51. There is no cost or benefit from this action. The alternative considered is to leave the inconsistency in the regulations.

Timetable:

Action	Date	FR Cite
Withdrawn no longer required	08/07/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA74

1252. AIR QUALITY

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.57

Abstract: This rule will be amended to establish an exemption from air quality review for Outer Continental Shelf exploration activities located more than 20 miles from shore and more than 50 miles from shore for development and production activities. Alternatives considered include having no exemption and varied mileage criteria for different activities. Exemptions would cut-down significantly the amount of paperwork required to conduct operations.

Timetable:

Action	Date	FR Cite
Withdrawn Superseded by ANPR 1/7/85 50 FR 838, RIN 1010-AA61	08/07/85	

Small Entity: No

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA33

1253. NONDISCRIMINATION IN OUTER CONTINENTAL SHELF CONTRACTING

Legal Authority: 43 USC 1863

CFR Citation: 30 CFR 270

Abstract: The proposed rule would prohibit unlawful discrimination in contracting activities conducted in support of oil and gas exploration, development, and production on the Outer Continental Shelf (OCS). The rules would also provide a process whereby persons who believed they had been denied a contract because of unlawful discrimination would have a forum. Violators would be subject to the same penalties that are available for other OCS rule violations. These proposed rules would implement the purposes of section 604 of the OCS Lands Act Amendments of 1978. Alternatives considered span from the issuance of a policy statement and no rules to a proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, the costs are expected to be minimal.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41077
NPRM Comment Period Begin	10/19/84	
NPRM Comment Period End	11/19/84	
Final Action	05/22/85	50 FR 21047
Final Action Effective	06/21/85	

Small Entity: No

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA63

COMPLETED REVIEWS

1254. ACCOUNTING ADJUSTMENT DATE LIMITATION

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 218

Abstract: Limiting of accounting adjustments to 180 days after month of production by lessee is being considered. At present, accounting adjustments are made years later for very small amounts. There is a need to reduce the accounting entries to the account, which will generate a cost benefit. The potential costs and benefits of this action have not been determined. The alternatives of longer and shorter times have been

considered, as well as maintaining the present system.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/84	
End Review	08/07/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010-AA77

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Surface Mining Reclamation and Enforcement (OSM)

Current and Projected Rulemakings

1255. ● SUBCHAPTER A - GENERAL, APPLICABILITY

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.11

Abstract: The lack of review procedures for operations meeting the two-acre exemption under the Surface Mining Control and Reclamation Act has led to difficulty in enforcing this provision of the Statute. Therefore, OSM is proposing that a notice be required of operators wishing to obtain a two-acre exemption. This rule would result in benefits to small operators and regulatory authorities in clarifying those operations clearly meeting the exemption criteria and they would be treated as such. No additional costs to the environment would occur because operations could not commence within a specified time of notice, for regulatory authority review.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Henry J. Gerke, Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1512

RIN: 1029-AA89

1256. PERMANENT REGULATORY PROGRAM DEFINITION OF ADVERSE PHYSICAL IMPACT

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.106(b); 30 CFR 817.106(b)

Abstract: This regulation addresses the result of a joint motion approved by the District Court for the District of Columbia on December 3, 1984. The final regulation will remove the definition of adverse physical impact; remove the limitations imposed by 30 CFR 816.106(b) and 817.106(b); and require that all reasonably available spoil in the immediate vicinity of the remining operation be used to backfill the highwall to the maximum extent technically practicable. In view of the joint motion this is the only alternative being considered. There will be little if any potential costs because of the very limited application of this rule. Therefore, benefits which will result will also be very limited. The proposed rule asks for public comment on this very issue.

Timetable:

Action	Date	FR Cite
NPRM	06/13/85	50 FR 7522
NPRM Comment Period Begin	06/13/85	
NPRM Comment Period End	08/22/85	
Final Action	12/16/85	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4022

RIN: 1029-AA52

1257. PERMANENT REGULATORY PROGRAM REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 785.19(d)

Abstract: This proposed rule would comply with a ruling by the District Court for the District of Columbia which stated that the definition of farming and agricultural activities were not equal as it related to Alluvial Valley Floors as defined in OSM's regulations. The Court ordered that the definition be repromulgated in a manner consistent with Congressional intent. Pursuant to the Court ruling, additional guidance would be provided as to what the "essential hydrologic functions" are of AVF's.

Timetable:

Action	Date	FR Cite
NPRM	09/26/85	
NPRM Comment Period Begin	09/26/85	
NPRM Comment Period End	11/27/85	
Final Action	03/31/86	

Small Entity: Undetermined

Agency Contact: Ranvir Singh, Chief, Hydrologic Support Branch, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-2156

RIN: 1029-AA54

1258. SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM - CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 773.15; 30 CFR 773.17; 30 CFR 778.13

Abstract: The proposed rule would require the regulatory authority to make findings prior to permit issuance that the applicant and persons or business entities closely connected to the applicant do not have any outstanding

unabated violations, delinquent AML reclamation fee accounts, or unpaid final civil penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13724
NPRM Comment Period Begin	04/05/85	
NPRM Comment Period End	06/28/85	
Final Action	11/15/85	

Small Entity: Undetermined

Agency Contact: George M. Stone, Jr., Chief, Branch of Compliance, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4225

RIN: 1029-AA56

1259. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND ACTIVITIES ROADS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.150; 30 CFR 816.151; 30 CFR 817.150; 30 CFR 817.151

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court and modify some provisions that are confusing in the existing file. The changes will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/29/85	
NPRM Comment Period Begin	08/29/85	
NPRM Comment Period End	10/31/85	
Final Action	02/23/86	

Small Entity: Undetermined

Agency Contact: Robert Wiles, General Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1506

RIN: 1029-AA60

1260. PERMANENT REGULATORY PROGRAM DEFINITION OF SUPPORT FACILITIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Abstract: The proposed rule will amend the definition of the term support facilities as a result of the District Court for the District of Columbia's opinion of July 6, 1984. The proposed regulation would bring additional support facilities under the Permanent Program Regulations of the Surface Mining Control and Reclamation Act and amend the definition of support facility to connote a functional relationship with a regulated facility. This proposed rule would impose only minor costs to the coal industry since relatively few operations will be affected.

Timetable:

Action	Date	FR Cite
NPRM	07/10/85	50 FR 28180
NPRM Comment Period Begin	07/10/85	
Interim Final Rule	07/10/85	50 FR 28186
NPRM Comment Period End	09/09/85	
Final Action	12/30/85	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4022

RIN: 1029-AA73

1261. ● PERMANENT REGULATORY PROGRAM DEFINITIONS; AREAS UNSUITABLE FOR MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 761

Abstract: The proposed rule would clarify the applicability of the prohibitions in section 522(e)(4) and (5) of the Surface Mining Control and Reclamation Act of surface impacts of underground mining. The issue of the relationship between section 522(e) and mining related subsidence will be addressed in the proposed rulemaking. The rulemaking will seek to clarify whether OSM's rules have the effect of prohibiting underground mining operations related to the features and facilities within the distance limitations enumerated in sections 522(e)(4) and (5) of the Act. The proposed rulemaking will address the issue of what is a "Surface Impact" incident to an underground mine.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/85	50 FR 13250
ANPRM Comment Period Begin	04/03/85	50 FR 13250
Notice of intent to prepare a draft EIS & Preliminary RIA: Scoping Meeting	06/19/85	50 FR 25473
Notice of Scoping Meeting, Request for comments	06/19/85	50 FR 25473
ANPRM Comment Period End	08/27/85	
NPRM	04/03/86	
NPRM Comment Period Begin	04/03/86	
NPRM Comment Period End	08/25/86	
Final Action	04/05/87	
Final Action Effective	05/25/87	

Small Entity: Yes

Additional Information: The Office of Surface Mining has determined that the proposed rulemaking constitutes a major Federal action requiring an EISto meet the requirements of the National Environmental Policy Act. OSM has also made the determination that the proposed rule may be significant within the meaning of E.O. 12291. Precise cost/price impacts cannot be determined prior to further development of the regulation, but such costs are anticipated to be significant in terms of E.O. 12291 and the Regulatory Flexibility Act. Therefore, a Preliminary Regulatory Impact Analysis and Small

Entity Flexibility Analysis are being prepared.

Agency Contact: Dermot Winters, Mining Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-1514**

RIN: 1029-AA80

1262. ● PERMANENT PROGRAM PERFORMANCE STANDARDS DEFINITIONS, PREVIOUSLY MINED AREAS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Abstract: This rulemaking action is in response to a Court Order by the U.S. District Court for the District of Columbia In re; Permanent Surface Mining Regulation Litigation II, July 15, 1985. The proposed regulation would amend the definition of previously mined area to include only those lands mined prior to May 3, 1978, and not reclaimed to the standards of the Act. This rule may lead to a reduction of environmental benefits since there will be less incentive for remining and reclamation of mines abandoned after May 3, 1978. Otherwise, there are no significant increase or decrease in costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-1507**

RIN: 1029-AA88

1263. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 702

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been given to Congress by legitimate operators. Coal mine operators are using the exemption to avoid compliance with the Surface Mining Act's environmental protection performance standards. Proposed regulations would require operations claiming exemption to apply for exemption and report on their operations. The costs of compliance for these operations is undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jim Fary, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-7960**

RIN: 1029-AA53

1264. RESTRICTION ON FINANCIAL INTERESTS OF STATE EMPLOYEES

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 705.5

Abstract: This rule will address whether the Office of Surface Mining should retain the exemption for members of multiple interest boards in the definition of the term "employee" in 30 CFR 705.5 for purposes of determining restrictions on financial interests of State regulatory authority employees. In the event the exemption is retained, the Office of Surface Mining would propose to define multiple interest boards qualifying for the exemption.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 52098
NPRM Comment Period Begin	05/30/84	49 FR 22498
NPRM Comment Period End	07/31/84	
Second NPRM	05/01/85	
Final Action	09/06/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Ann L. Chapman, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, **202 343-3326**

RIN: 1029-AA41

1265. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO GOVERNMENT FINANCED CONSTRUCTION

Legal Authority: 30 USC 1202; 30 USC 1211; 30 USC 1278

CFR Citation: 30 CFR 707

Abstract: The current limiting language in 30 CFR Part 707 can have at least three adverse results for the Abandoned Mine Lands (AML) Program. The inability to remove incidental amounts of coal encountered during reclamation activities can result in: 1) the loss of a valuable energy resource, 2) a no-cost subsidy of a future mining operation, and 3) a windfall profit to the mineral owner. In addition, the Federal and State governments are unable to reduce the costs of their AML projects. Participation in the incidental recovery of coal and resulting reduction in reclamation costs would allow the Federal and State AML programs to accomplish more reclamation at a substantial saving. To correct these deficiencies and to allow greater flexibility for the AML Program to remove incidental amounts of coal encountered during AML-financed reclamation activities, the clarification and expansion of the scope of Part 707 is being proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/28/85	
NPRM Comment Period Begin	11/28/85	
NPRM Comment Period End	01/28/86	
Final Action	07/28/86	

Small Entity: Undetermined

Agency Contact: Jim Fary, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-7960

RIN: 1029-AA58

1266. ● REQUIREMENTS FOR COAL EXPLORATION--PERMIT REQUIREMENTS FOR EXPLORATION REMOVING MORE THAN 250 TONS OF COAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 772.11; 30 CFR 772.12

Abstract: The proposed rule would comply with a court order of the District Court for the District of Columbia which remanded OSM reporting requirements for surface coal exploration. The proposed rule would revise existing requirements to include the filing of a notice by all individuals or operators planning coal exploration, and specify the information required on applications for coal exploration. The obligation to report is a standing requirement of existing regulations. This rule would expand the requirement to report. Because affected States already have the expanded requirement in place, no additional costs or benefits are expected to be associated with the rule.

Timetable:

Action	Date	FR Cite
NPRM	11/15/85	
NPRM Comment Period Begin	11/15/85	
NPRM Comment Period End	01/15/86	
Final Action	10/01/86	
Final Action Effective	11/01/86	

Small Entity: Undetermined

Agency Contact: Richard O. Miller, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5121 L, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1475

RIN: 1029-AA92

1267. ● INDIVIDUAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 723; 30 CFR 724; 30 CFR 845; 30 CFR 846, (New)

Abstract: The proposed rule will improve the implementation of Section 518(f) of the Surface Mining Control and Reclamation Act by clarifying the meaning of "knowing and willful" and defining the manner in which a daily penalty will be assessed for a continuing violation. Corporate officials associated with a permittee in violation of the Act will be identified and assessed individual civil penalties in addition to any penalties imposed on the Corporate entity.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: George Stone, Chief, Branch of Compliance, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Washington, DC 20240, 202 343-4550

RIN: 1029-AA81

1268. MAINTENANCE OF STATE PROGRAMS AND PROCEDURES FOR SUBSTITUTING FEDERAL ENFORCEMENT OF STATE PROGRAMS AND WITHDRAWING APPROVAL OF STATE PROGRAMS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 733

Abstract: This rule will be revised to provide the Director, Office of Surface Mining, with additional options when problems are identified in the administration of approved State programs. The Office will propose a shortened, streamlined process for taking action when a site-specific problem arises in a State.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	12/02/85	
Final Action	03/01/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Mary Tisdale, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, 202 343-5361

RIN: 1029-AA42

1269. PERMIT APPLICATION FEE SCHEDULE FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS UNDER FEDERAL, FEDERAL LANDS NOT UNDER COOPERATIVE AGREEMENT, AND INDIAN LANDS PROGRAMS

Significance: Regulatory Program

Legal Authority: 30 USC 1257

CFR Citation: 30 CFR 701; 30 CFR 736; 30 CFR 740; 30 CFR 746; 30 CFR 750; 30 CFR 772

Abstract: The proposed rule would govern the collection by OSM of application fees for permits to conduct surface coal mining and reclamation operations, and for permits to conduct coal exploration, as well as fees for processing mining plans and for mid-term review of surface coal mining and reclamation permits. Recipients of these services would be required to reimburse OSM for the actual cost incurred by the Department in providing the service.

Timetable:

Action	Date	FR Cite
NPRM	02/22/85	50 FR 7522
NPRM Comment Period Begin	02/22/85	
NPRM Comment Period End	07/26/85	
Final Action	10/11/85	

Small Entity: No

Agency Contact: Murray Newton, Acting Chief, Branch of Regulatory Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW, Washington, DC 20240, 202 343-5361

RIN: 1029-AA48

1270. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAM; FEDERAL PROGRAM FOR A STATE; PROCEDURAL REQUIREMENTS

Legal Authority: 30 USC 1251; 30 USC 1253 to 1269; 30 USC 1271; 30 USC 1272; 30 USC 1295

CFR Citation: 30 CFR 736.11

Abstract: OSM will propose revisions to its rules governing standards and procedures for the promulgation, implementation, revision, and termination of a Federal program for a State for coal exploration and surface coal mining operations on non-Federal and non-Indian lands within that State.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Murray Newton, Chief, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5866**

RIN: 1029-AA71

1271. FEDERAL LANDS PROGRAM

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 740; 30 CFR 745; 30 CFR 746

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans", the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	12/00/85	
Final Action	01/31/86	

Small Entity: Undetermined

Agency Contact: Murray Newton, Acting Chief, Branch of Regulatory Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5361**

RIN: 1029-AA76

1272. ● DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(h)

Abstract: OSM is repromulgating certain portions of its regulations which define "valid existing rights" and prohibit surface coal mining on lands within units of the National Park System, National Wildlife Refuge System and certain other areas designated by Congress. OSM is repromulgating these regulations as a result of a District Court Decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period Begin	01/00/86	
NPRM Comment Period End	03/00/86	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Murray Newton, Acting Chief, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Division of Regulation and Inspection, **202 343-5886**

RIN: 1029-AA77

1273. ● LANDS UNSUITABLE REGULATIONS

Significance: Agency Priority

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(a); 30 CFR 761.11(c); 30 CFR 762.5; 30 CFR 764.15(a)(3); 30 CFR 764.15(b)(2); 30 CFR 769.14(a)(1); 30 CFR 769.14(a)(3); 30 CFR 769.14(b)(2)

Abstract: OSM is repromulgating certain portions of its regulations under Subchapter F which contain criteria for and describe the petition process for designating lands unsuitable for surface coal mining operations. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Agency Contact: Murray Newton, Acting Chief, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Division of Regulation & Insp., **202 343-5866**

RIN: 1029-AA90

1274. CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 762.5

Abstract: The objection to the definitions of the terms "fragile lands" and "historic lands" in 762.5 is their requirement that damage from proposed mining to historic and other values must be irreparable or permanent before lands can be classified as fragile or historic and therefore, eligible for consideration as being unsuitable for mining. The court order requires only a finding of significant damage, in accordance with Section 522(a)(3)(b) of the Act. In as much as the required wording "significant damage" is used in 762.11(b)(2) in the fragile-or-historic-lands criterion for designating lands as unsuitable, rather than using the wording of the two definitions, the proposed rule change would remove the degree-of-damage requirement from the definitions and thereby remove the wording objected to. In addition, the two terms would be combined into the one term "fragile or historic lands" that is used in the Act and also in 762.11(b)(2). The cost and benefits would remain unchanged because a finding of only significant damage and the combined term are already in place in 762.11(b)(2).

Timetable:

Action	Date	FR Cite
NPRM	07/25/85	50 FR 30408
NPRM Comment Period Begin	07/25/85	
NPRM Comment Period End	10/03/85	
Final Action	02/13/86	

Small Entity: Undetermined

Agency Contact: Marston Chase, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5587

RIN: 1029-AA62

1275. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773, (Revision); 30 CFR 778, (Revision); 30 CFR 845, (Revision)

Abstract: The existing rules pertaining to the requirements for permit and permit processing, Permit applications and civil penalties are to be amended. The proposed revisions expressly establish an affirmative obligation on permittees and permit applicants to pay uncontested penalties and abate uncontested violations. Permittees and applicants for permits must meet these obligations prior to the issuance of a permit and as a condition of continued operation under existing permits.

Timetable:

Action	Date	FR Cite
NPRM	11/29/85	
NPRM Comment Period Begin	11/29/85	
NPRM Comment Period End	01/29/86	
Final Action	03/30/86	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: George M. Stone, Jr., Chief, Branch of Compliance, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4550

RIN: 1029-AA66

1276. ● REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773

Abstract: This regulation is intended to clarify existing requirements concerning protection of historic properties which may be affected by surface coal mining and reclamation operations. This rule would clarify that States with regulatory programs approved by the Secretary of the Interior have authority to require specific actions to assist the Secretary of the Interior comply with section 106 of the National Historic Preservation Act. Since this is a clarification of existing requirements, no change in costs are expected. Benefits will be seen in more clarity in regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Mark Boster, Chief, Div. of Permit & Environmental Anal., Department of the Interior, Office of Surface Mining Reclamation and Enforcement, TSR Room 5111-L, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1478

RIN: 1029-AA87

1277. SURFACE MINING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 779.20; 30 CFR 780.16; 30 CFR 783.20; 30 CFR 784.21; 30 CFR 816.97(a); 30 CFR 816.97(b); 30 CFR 817.97

Abstract: OSM is amending Fish and Wildlife performance standards at 30 CFR 816.97 to comply with the District Court's decision of October 1, 1984, which pertains to protection of endangered and threatened species and the exclusion of wildlife from toxic ponds. In addition, OSM is amending the Fish and Wildlife permitting requirements at 30 CFR 779.20 and 780.16 to provide greater flexibility and clarity.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/21/86	

Small Entity: Undetermined

Agency Contact: Charles Wolf, Supvy. Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1501

RIN: 1029-AA74

1278. UNDERGROUND MINING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN SUBSIDENCE CONTROL PLAN

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 784.20

Abstract: In remanding Section 817.21(c)(2) for further comment following the Permanent Surface Mining Regulation Litigation II, the court also found that the 1979 rule requiring the subsidence control plan to include the results of the pre-subsidence survey and description of proposed monitoring measure were deleted in the 1982 proposed and 1983 final rule without adequate notice. Because this regulation related to Section 817.121(c)(2) concerning the protection of surface structures, the court ordered the Secretary to request additional public comments on this deletion in conjunction with the comments of 817.121(c)(2). No other alternative to the repromulgation of this rule is being considered because of the court order. Depending upon the number and types of comments received, this 1983 rule may or may not be changed. Consequently, the action's potential costs and benefits cannot be assessed.

Timetable:

Action	Date	FR Cite
NPRM	07/08/85	50 FR 27910
NPRM Comment Period Begin	07/08/85	
NPRM Comment Period End	09/16/85	
Final Action	12/10/85	

Small Entity: Undetermined

Agency Contact: Chuan Y. Chen, Chief, Branch of Regulatory Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5950

RIN: 1029-AA63

1279. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND MINING ACTIVITIES BACKFILLING AND GRADING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.100; 30 CFR 816.102(g); 30 CFR 816.104(a); 30 CFR 816.105(a); 30 CFR 817.100; 30 CFR 817.102; 30 CFR 817.104; 30 CFR 817.105

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
NPRM Comment Period Begin	09/30/85	
NPRM Comment Period End	11/29/85	
Final Action	03/05/86	

Small Entity: Undetermined

Agency Contact: Robert Wiles, General Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5981

RIN: 1029-AA57

1280. PERMANENT PROGRAM PERFORMANCE STANDARDS UNDERGROUND MINING ACTIVITIES SUBSIDENCE CONTROL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 817.121(c)(2)

Abstract: Following Permanent Surface Mining Regulation Litigation II, the court remanded portions of the subsidence control rule relating to the protection of surface structures and facilities to Office of Surface Mining to repromulgate the rule for notice and comment, holding that the final 1983 rule represents a radical change from the 1982 proposed rule. No other alternative to the repromulgation of the 1983 rule is being considered because of the court order. Depending upon the number and type of comments received the 1983 final rule relating to the protection of surface structures and facilities may or may not be changed. Consequently, the action's potential costs and benefits cannot be assessed.

Timetable:

Action	Date	FR Cite
NPRM	07/08/85	50 FR 27910
NPRM Comment Period Begin	07/08/85	
NPRM Comment Period End	09/16/85	
Final Action	12/10/85	

Small Entity: Undetermined

Agency Contact: Chuan Y. Chen, Chief, Branch of Regulatory Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5950

RIN: 1029-AA65

1281. ● PERMANENT PROGRAM PERFORMANCE STANDARDS UNDERGROUND MINING ACTIVITIES - HYDROLOGIC BALANCE PROTECTION

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 817.41(b)(2)

Abstract: The rulemaking is in response to a challenge of this issue in District Court where the Office agreed to suspend 30 CFR 817.41(b)(2), concerning requirement to restore groundwater recharge capacity, and repromulgate the rule to develop the administrative records. OSM will propose two options: (1) removing 817.41(b)(2) and (2) retaining this paragraph while asking for comments concerning its legality, technological validity, and environmental impacts. Since this rule will be repromulgated with options, a determination of its potential costs and benefits cannot be assessed until comments are received and options chosen.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5010 L, 1951 Constitution Ave., NW, Washington, DC, 202 343-1507

RIN: 1029-AA75

1282. SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON PRIME FARMLAND

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 823.11(a); 30 CFR 823.11(b)

Abstract: These regulations are being revised as ordered by the District Court for the District of Columbia. They will amend OSM's permanent program performance standards with respect to prime farmlands by allowing last cut lakes to remain after mining is complete only where they are beneficial or necessary to agricultural activity and allowing for a support facility exemption only for underground mines. These changes are mandated by Court Order, thus, no alternatives to this action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	10/02/85	
NPRM Comment Period Begin	10/02/85	
NPRM Comment Period End	11/19/85	
Final Action	02/17/86	

Small Entity: Undetermined

Agency Contact: Donald Smith, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4023

RIN: 1029-AA64

1283. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAMS; PERMANENT PROGRAM INSPECTION AND ENFORCEMENT PROCEDURES

Legal Authority: 30 USC 1267

CFR Citation: 30 CFR 840; 30 CFR 842; 30 CFR 843

Abstract: The proposed rule would clarify inspection requirements of surface coal mining and reclamation operations under initial and permanent regulatory programs and nomenclature designations of the Office of Surface Mining field operating Units.

Timetable:

Action	Date	FR Cite
NPRM	11/15/85	
NPRM Comment Period Begin	11/15/85	
NPRM Comment Period End	01/15/86	
Final Action	04/30/86	

Small Entity: Undetermined

Agency Contact: Daniel E. Stocker, Chief, Branch of Inspection, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5384

RIN: 1029-AA67

1284. BLASTER TRAINING AND CERTIFICATION FOR BLASTERS AND MEMBERS OF BLASTING CREWS FOR FEDERAL PROGRAMS AND FEDERAL LANDS NOT UNDER COOPERATIVE AGREEMENTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 855

Abstract: The proposed rule will establish a program to train and certify persons who use or are in charge of crews that use explosives in connection with surface coal mining on Federal lands not under cooperative agreements and for Federal programs.

Timetable:

Action	Date	FR Cite
NPRM	09/11/84	49 FR 35714
Final Action	12/31/85	
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: James M. Kress, Acting Chief, Branch of Regulatory Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW, Washington, DC 20240, 202 343-5361

RIN: 1029-AA51

1285. RECLAMATION ON PRIVATE LAND

Legal Authority: 30 USC 1238

CFR Citation: 30 CFR 882

Abstract: To address concerns raised by Inspector General and states in regulations implementing Lien Provisions of Surface Mining Control Act. Provisions for documenting lien waivers and defining unclear terms will be proposed. State and Federal reclamation programs will expend more time and resources documenting their decisions to waive liens but possibility for windfall profits to private landowners from expenditure of federal funds will be decreased. Satisfaction of liens will result in recovery of federal funds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jim Fary, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-7960

RIN: 1029-AA68

1286. STATE RECLAMATION PLAN AMENDMENTS

Legal Authority: 30 USC 1235

CFR Citation: 30 CFR 884; 30 CFR 886

Abstract: The revised rule provides that the Director may request that a State initiate procedures to amend its reclamation plan and that the Director may establish, after consultation with the State, a timetable which is consistent with established administrative and legislative procedures in the State for submitting an amendment to the reclamation plan. Failure to amend the reclamation plan within the specified time could result in either the suspension of the AMLR Plan, reduction, suspension or termination of existing grants or the withdrawal from consideration of all future grant applications. States may have minor administrative costs in amending their approved reclamation plans. Benefits would include more efficient and cost effective reclamation procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/04/85	50 FR 483
NPRM Comment Period Begin	01/04/85	
NPRM Comment Period End	03/04/85	
Final Action	11/15/85	

Small Entity: Undetermined

Agency Contact: Jim Fary, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-7960

RIN: 1029-AA70

1287. SUBSIDENCE INSURANCE PROGRAM GRANTS

Significance: Regulatory Program

Legal Authority: HR RES 648; PL 98-473; 30 USC 1231

CFR Citation: 30 CFR 887, (New)

Abstract: Proposed regulations implementing Congressional amendment to Surface Mining Control Act that authorizes up to $3 million to States for the establishment of state administered self-sustaining subsidence insurance programs. If all eligible states avail themselves of the opportunity, the costs to the AML Reclamation Fund will be $69 million. Benefits are, if land is insured, approximately $100 million in savings to the AML reclamation program. If land is not insured, then the AML Trust Fund will lose up to a maximum of $69 million. The subsidence insurance program will result in considerable savings to home owners and commercial and industrial entities who will be able to insure their property from damage caused by subsidence in abandoned underground coal mines.

Timetable:

Action	Date	FR Cite
NPRM	07/25/85	50 FR 30402
NPRM Comment Period Begin	07/25/85	
NPRM Comment Period End	08/26/85	
Final Action	12/26/85	
Final Action Effective	01/26/86	

Small Entity: Undetermined

Agency Contact: Jim Fary, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-7960

RIN: 1029-AA55

1288. STATE-FEDERAL COOPERATIVE AGREEMENTS

Legal Authority: 30 USC 1201 et seq.

CFR Citation: 30 CFR Subchapter T

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Supplemental Timetable:

Alabama (901)
Final Action Effective 08/29/85

Alabama(901)
NPRM 01/23/85 (50 FR 2988)
Final Action 07/30/85 (50 FR 30916)

Utah(944)
NPRM 03/31/82 (47 FR 13738)
Final Action 01/30/86

Virginia(946)
NPRM 06/27/83 (48 FR 29545)
Final Action 00/00/00

West Virginia(948)
NPRM 06/17/83

Wyoming(950)
NPRM 02/02/84 (49 FR 4106)

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Murray Newton, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5866

RIN: 1029-AA40

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSM)

Existing Regulations Under Review

1289. ● PERMANENT REGULATORY PROGRAM DEFINITIONS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Abstract: The proposed rulemaking is in response to a court order of the District Court for the District of Columbia which remanded the portion of OSM's definition of "affected area" relating to the description and inclusion of roads in "affected areas." The proposed regulation will address alternative definitions and descriptions of roads as part of the definition of "affected areas" and clarify the relationship of these terms to various provisions of the Surface Mining Control and Reclamation Act of 1977. OSM is unable at this time to determine precisely what additional costs would be associated with the rule. It should be minimal, however, as this rule is intended only to identify the limitations on roads to be included in surface mining operations.

Timetable:

Action	Date	FR Cite
NPRM	02/01/86	
NPRM Comment Period Begin	02/01/86	
NPRM Comment Period End	04/01/86	
Final Action	12/01/86	

Small Entity: Undetermined

Agency Contact: Mary Josie Smith, Chief, Branch of Western Activities, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5121, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5150

RIN: 1029-AA84

1290. ● REQUIREMENT TO RELEASE PERFORMANCE BONDS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 800-40(a)(2)

Abstract: This proposed rule would require that an applicant for bond release include the name of the permittee in the application. This action is being taken as a result of a commitment made during litigation on bonding requirements before the District Court for the District of Columbia where it was found that an explicit requirement for providing the name of the applicant was necessary. There will be no increase or decrease in the cost/benefits of this rule.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Frank Mancino, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5121-L, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1476

RIN: 1029-AA91

1291. ● PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES -- REVEGETATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.116(b)(3)(ii); 30 CFR 816.116(c)(4); 30 CFR 817.116(b)(3)(ii); 30 CFR 817.116(c)(4); 30 CFR 816.116(c)(2); 30 CFR 817.116(c)(2)

Abstract: This rule is being proposed in response to an order of the U.S. District Court remanding several aspects of OSM regulations concerning revegetation which has inadequate support in the administrative record. OSM will propose rules concerning replanting of trees as a normal husbandry practice, the period for

revegetation success, and rills and gullies control as a normal conservation practice. Costs and benefits of this action have not been determined since the final scope of the rule is not certain. This analysis will be based in large part on public comments received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Yes

Agency Contact: Arlo Dalrymple, Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1504

RIN: 1029-AA86

1292. ● PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES - IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.49(a)(8); 30 CFR 817.49(a)(8)

Abstract: The regulation will address the issue addressed in a district court challenge to OSM regulations. The rule will address the problem of combination spillways and will specify a spillway configuration that must be installed to safely pass the designed precipitation event. In some cases, the rule may allow one spillway to serve as a combination principal and emergency spillway. The proposed action may reduce costs in those cases where one spillway will safely pass the design precipitation event with no corresponding decrease in environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Robert A. Wiles, General Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1506

RIN: 1029-AA79

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSM)

Completed Actions

COMPLETED RULEMAKINGS

1293. PERMIT APPLICATION-MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES; MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Legal Authority: 30 USC 1257 et seq

CFR Citation: 30 CFR 779.25(i); 30 CFR 780.14(c); 30 CFR 780.25(a),(l)(i); 30 CFR 783.25(l); 30 CFR 784.16(a),(l)(i); 30 CFR 784.23(c)

Abstract: The proposed changes will address a revision to the Act which authorizes a licensed land surveyor to prepare the permit package as a lead official.

Timetable:

Action	Date	FR Cite
NPRM	10/02/84	49 FR 38958
Final Action	04/24/85	50 FR 16194
Final Action Effective	05/24/85	50 FR 16194

Small Entity: Undetermined

Agency Contact: Stan Zeccolo, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4022

RIN: 1029-AA50

1294. PERMANENT REGULATORY PROGRAM: SUBSIDENCE CONTROL-PERFORMANCE STANDARDS-UNDERGROUND MINING ACTIVITIES

Legal Authority: 30 USC 1211(g)

CFR Citation: 30 CFR 817.121(d); 30 CFR 817.121(e)

Abstract: The proposed rule would change the requirements for mining under specified structures and facilities and bodies of water.

Timetable:

Action	Date	FR Cite
Withdrawn Action on this rule is no longer needed at this time.	08/00/85	

Small Entity: Undetermined

Agency Contact: C. Y. Chen, Mining Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW, Washington, DC 20240, 202 343-2160

RIN: 1029-AA47

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Reclamation (RB)

Current and Projected Rulemakings

1295. RECLASSIFICATION AS IRRIGABLE OF HIGH LAND COLUMBIA BASIN PROJECT, WASHINGTON

Legal Authority: Sec. 8, 57 Stat 14; 16 USC 835

CFR Citation: 43 CFR 416

Abstract: Prescribe policies and procedures under which arable high land within an irrigation district, when included in farm units or water delivery units, or in designated areas served therefrom, on the Columbia Basin Project, Washington, may be reclassified as irrigable. Such reclassification will permit the lands to receive water and be subject to assessment by the district.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	01/31/85	
Revocation of Rule	04/00/86	

Small Entity: Undetermined

Agency Contact: Terence Cooper, Staff Specialist, Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, 202 343-5204

RIN: 1006-AA10

1296. NEWLANDS RECLAMATION PROJECT, NV; TRUCKEE RIVER STORAGE PROJECT, NV; & WASHOE RECLAMATION PROJECT; NV-CA (TRUCKEE & CARSON RIVER BASINS, CA-NV); PYRAMID LAKE INDIAN RESERVATION, NV, ETC

Legal Authority: 43 USC 373; 33 USC 466; 16 USC 703 to 711; 16 USC 715 to 715r; 32 Stat 388; 70 Stat 775; 72 Stat 705

CFR Citation: 43 CFR 418, (Revision)

Abstract: Allocation of water for irrigation, Indian tribes and endangered species in an area of water shortage as required by the Secretary of the Interior by Court Order orders. See Pyramid Lake Paiute Tribe of Indians v. Morton, 353 F. Supp. 252 (D.D.C. 1973) and Carson-Truckee Water Conservancy District v. Watt, 549 F. Supp. 704 (D. Nev. 1982). Review completed, changes in rule published in NPRM.

Timetable:

Action	Date	FR Cite
End Review	03/08/85	
NPRM	03/22/85	50 FR 11515
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: TITLE CONT: Stillwater Area, NV.

Affected Sectors: 01 AGRICULTURAL PRODUCTION-CROPS; 09 FISHING, HUNTING, AND TRAPPING

Agency Contact: Roy H. Boyd, Chief, Water Operations Branch, Department of the Interior, Bureau of Reclamation, 18th & C Streets, NW, Washington, DC 20240, 202 343-5471

RIN: 1006-AA08

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Reclamation (RB)

Existing Regulations Under Review

1297. UNPRODUCTIVE LAND: ELIMINATION OR EXCHANGE

Legal Authority: 43 USC 1201; 43 USC 423

CFR Citation: 43 CFR 403

Abstract: Provides the procedures for the eliminating from irrigated project lands of lands permanently unproductive, for exchanging entries, for making additional entries, amending water rights, extending time for making repayments of construction, operation and maintenance charges and for the taking over of a project by the Water User's Organization.

Timetable:

Action	Date	FR Cite
Revocation of Rule	04/00/86	

Small Entity: Undetermined

Agency Contact: Terence Cooper, Staff Specialist - Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, 202 343-5204

RIN: 1006-AA11

1298. OFF-ROAD VEHICLE USE

Legal Authority: 43 USC 391 et seq

CFR Citation: 43 CFR 420

Abstract: This rule governs the use of off-road vehicles on Bureau Lands and provides for the opening of only those lands where the use of such vehicles will not adversely affect associated project features or facilities. The provisions of this rule will be expanded to cover the use of ultralight vehicles, since, by definition, these vehicles are excluded from control of the Federal Aviation Administration.

Timetable:

Action	Date	FR Cite
NPRM	06/18/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Fred Gientke, Chief, Water O&M Branch, Department of the Interior, Bureau of Reclamation, Bldg 67, Federal Center, Denver, CO 80225, 303 776-8081

RIN: 1006-AA06

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Reclamation (RB)

Completed Actions

COMPLETED REVIEWS

1299. SALE OF LANDS IN FEDERAL RECLAMATION PROJECTS

Legal Authority: 32 Stat 390; 46 Stat 368; 64 Stat 40; 43 USC 373; 43 USC 424; 43 USC 375; 41 Stat 605; 46 Stat 367; 53 Stat 1197; 64 Stat 39

CFR Citation: 43 CFR 402

Abstract: Provides guidelines for the sale of withdrawn public domain lands and acquired non-Federal lands located within authorized Federal Reclamation Projects to settlers.

Timetable:

Action	Date	FR Cite
End Review	08/00/85	

Small Entity: Undetermined

Additional Information: Reviewing Rule to determine what if any changes are needed to bring this rule and the acreage provisions of the 1982 Reclamation Reform Act into concurrence. Solicitor's office is preparing legal guidance.

Agency Contact: Terence Cooper, Staff Specialist, Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, **202 343-5204**

RIN: 1006-AA12

1300. EXCHANGE OR AMENDMENT OF FARM UNITS ON FEDERAL RECLAMATION PROJECTS

Legal Authority: 43 USC 373; 43 USC 451

CFR Citation: 43 CFR 406

Abstract: Provides methodology for the exchanging of certain unpatented farm units or private lands on a Federal irrigation project for farm units available on the same or any other such project. The exchange is limited to certain classes of qualified applicants whose lands classification indicates insufficient productivity to support a family unit.

Timetable:

Action	Date	FR Cite
End Review	05/00/85	

Small Entity: Undetermined

Agency Contact: Terence Cooper, Staff Specialist, Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, **202 343-5204**

RIN: 1006-AA09

1301. ASSESSMENT BY IRRIGATION DISTRICTS OF LANDS OWNED BY THE UNITED STATES, COLUMBIA BASIN PROJECT, WASHINGTON

Legal Authority: 16 USC 835c-1; 16 USC 835c-4

CFR Citation: 43 CFR 413

Abstract: This rule, which is scheduled for review, contains the provisions which govern the levy and enforcement of assessments by or on behalf of irrigation districts against lands owned by the United States within the Columbia Basin Project.

Timetable:

Action	Date	FR Cite
End Review Review determined that rule was still needed in present form.	04/01/85	

Small Entity: Undetermined

Additional Information: Once all Federally owned lands within the Columbia Basin Project have been sold the rule will be deleted. The final disposal involves circumstances beyond our complete control. No changes in the rule are now contemplated.

Agency Contact: Kenneth G. Maxey, Chief, Contracts & Repayment Branch, Department of the Interior, Bureau of Reclamation, 18th and C Streets, NW, Washington, DC 20240, **202 343-5671**

RIN: 1006-AA07

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DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Current and Projected Rulemakings

1302. PUBLIC LAND RECORDS

Legal Authority: 5 USC 301; 43 USC 2; 44 USC 3101; 43 USC 13; 43 USC 751; 43 USC 1201; 43 USC 2457; 43 USC 1740

CFR Citation: 43 CFR 1813

Abstract: This rule will amend the existing regulations by updating them to reflect and accommodate the transition from the Manual Record System (Tract Books, Master Plats, etc), to an Automated Records System.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: Malcolm Schnitker, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AA77

1303. OPENING AND CLOSING LANDS

Legal Authority: 43 USC 1740; 43 USC 1201

CFR Citation: 43 CFR 2090; 43 CFR 2091

Abstract: This rule will amend the existing regulations to: (1) clarify how and when specific actions close or open public lands; (2) provide the procedure under which information concerning opening and closing of public lands will be published in the Federal Register; and (3) eliminate confusion about when lands are open or closed by specifying if and when the record notation rule will apply.

Timetable:

Action	Date	FR Cite
NPRM	06/07/85	50 FR 24124
NPRM Comment Period End	08/08/85	50 FR 24124
Final Action	12/00/85	
Final Action Effective	01/00/86	

Small Entity: No

Agency Contact: Jim Powell, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-6846**

RIN: 1004-AA78

1304. ● EXCHANGES - GENERAL PROCEDURES -- EXCHANGES INVOLVING FEE FEDERAL COAL DEPOSITS

Legal Authority: 43 USC 1715; 43 USC 1716

CFR Citation: 43 CFR Subpart 2203

Abstract: The rulemaking will provide the procedures for antitrust review of exchanges of Federally-owned coal. This rulemaking is in response to recommendations made by the Commission on Fair Market Value for Federal Coal Leasing.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: David Hemstreet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB15

1305. ● LAND CLASSIFICATION

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400

Abstract: The rulemaking will revise the existing land classification regulations, will remove obsolete provisions, remove burdensome provisions, simplify the land classification system and provide a new protest system for use in connection with land classification decisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Jim Crisp, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB19

1306. DESERT LAND ENTRIES

Legal Authority: 43 USC 321 to 323

CFR Citation: 43 CFR 2520

Abstract: This rule will revise the existing regulation to streamline and simplify its provisions, while removing burdensome and obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB11

1307. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: Rob Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB10

1308. ALASKA STATE SELECTION

Legal Authority: 94 Stat. 2437

CFR Citation: 43 CFR Subpart 2627

Abstract: This rule will be amended to provide a change in selection procedures for the State of Alaska as provided for in the amendments to the Alaska Statehood Act.

Timetable:

Action	Date	FR Cite
NPRM	11/18/83	48 FR 48400
Final Action	04/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: January 1981.

Agency Contact: La Velle Black, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-6511**

RIN: 1004-AA12

1309. FAA AIRPORT GRANTS

Legal Authority: 49 USC 2215

CFR Citation: 43 CFR 2640; 43 CFR 2641

Abstract: This rule will amend the existing regulations to incorporate changes made by the Airport and Airway Improvement Act of 1982 and other procedural changes to improve the operation of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/07/85	50 FR 31897
NPRM Comment Period End	10/07/85	50 FR 31897
Final Action	04/00/86	

Small Entity: Undetermined

Agency Contact: Mark Etchart, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AA76

1310. ALASKA NATIVE SELECTIONS

Legal Authority: 43 USC 1601 et seq

CFR Citation: 43 CFR 2650; 43 CFR 2651

Abstract: This rule will establish a new method of charging acreage against Alaska Native Entitlement pursuant to the Alaska Native Claims Settlement Act. It will also establish a procedure for use by Alaska Native Corporations in selecting additional lands to fulfill any additional entitlement due to the change in the method of charging acreage.

Timetable:

Action	Date	FR Cite
NPRM	07/07/84	49 FR 31457
NPRM Comment Period End	11/23/84	49 FR 41266
Final Action	01/00/86	

Small Entity: No

Agency Contact: LaVelle Black, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-6511**

RIN: 1004-AA75

1311. CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS

Legal Authority: 43 USC 1719(b)

CFR Citation: 43 CFR 2720

Abstract: This rule will be amended to make minor revisions to the existing regulations on conveyancing of

Federally-owned mineral interests and to provide segregation of lands covered by an application.

Timetable:

Action	Date	FR Cite
NPRM	02/07/85	50 FR 5296
NPRM Comment Period End	04/08/85	50 FR 5296
Final Action	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: David Hemstreet, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8731

RIN: 1004–AA15

1312. RECREATION AND PUBLIC PURPOSES ACT: CONVEYANCES

Legal Authority: 43 USC 869 et seq; 43 USC 1721

CFR Citation: 43 CFR 2740; 43 CFR 2910

Abstract: These rules will be amended to facilitate acquisition of public lands by States, State instrumentalities and subdivisions, including counties and municipalities, for recreational or public purposes. These amendments would not affect procedures as they relate to non-profit associations other than to require a nonrefundable application service fee.

Timetable:

Action	Date	FR Cite
NPRM	09/28/82	47 FR 42684
Final Action	11/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Rob Nauert, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8731

RIN: 1004–AA16

1313. RIGHTS-OF-WAY: PRINCIPLES AND PROCEDURES

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 185

CFR Citation: 43 CFR 2800

Abstract: This rule will be amended to revise the schedule used in the cost reimbursement process for processing and monitoring right-of-way grants(2803.1-1; 2883.1-1).

Timetable:

Action	Date	FR Cite
NPRM	01/17/83	48 FR 2110
NPRM	09/00/85	
Final Action	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1982.

Agency Contact: Derrell Barnes, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AA17

1314. RIGHTS-OF-WAY; PRINCIPLES AND PROCEDURES; OIL AND NATURAL GAS PIPELINES AND RELATED FACILITIES, GENERAL

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 181 et seq

CFR Citation: 43 CFR 2800; 43 CFR 2880

Abstract: This rule will amend the existing right-of-way regulations to provide a clear and streamlined procedure for setting the annual rental for rights-of-way.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19049
ANPRM Comment Period Begin	07/03/84	49 FR 19049
Second ANPRM	01/18/85	50 FR 2697
Second ANPRM Comment Period Ends	03/19/85	50 FR 2697
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Derrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AA74

1315. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2800

Abstract: This rulemaking will provide procedures for the administration of rights-of-way granted under statutes that were repealed by the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27322
NPRM Comment Period End	09/03/85	50 FR 27322

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AA99

1316. RIGHTS-OF-WAY, PRINCIPALS AND PROCEDURES

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AB00

1317. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA98

1318. RECREATION AND PUBLIC PURPOSES ACT LEASES

Legal Authority: 43 USC 869 et seq

CFR Citation: 43 CFR 2910; 43 CFR 2912

Abstract: The rule will amend the existing regulations to implement policy changes as they relate to the granting of public lands for recreation and public purposes under the Recreation and Public Purposes Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: Rob Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AA73

1319. AIRPORT LEASES

Legal Authority: 43 USC 1201; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 2911

Abstract: This rule would be revised to: remove from the regulations those provisions repealed by the Federal Land Policy and Management Act of 1976 relating to withdrawals of beacon lights and air navigation facilities; to impose an increased application service fee; and to update the provisions relating to the setting of rental charges for lands leased for airport purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1983.

Agency Contact: Mark Etchart, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AA49

1320. EXPLORATION ACTIVITY; OIL AND GAS LEASING

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3040; 43 CFR 3100; 43 CFR 3110; 43 CFR 3120

Abstract: This rulemaking will make corrections and modifications to the existing regulations, including procedural changes that have resulted from operations under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2228

RIN: 1004-AA97

1321. EXPLORATION ACTIVITY; OIL AND GAS LEASING, OIL AND GAS LEASING - NATIONAL PETROLEUM RESERVE - ALASKA; GEOTHERMAL RESOURCE LEASING - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 301 to 306; 30 USC 351 to 359; 43 USC 1701 et seq; PL 96-514; 40 Op. Atty. Gen. 41

CFR Citation: 43 CFR 3040; 43 CFR 3100; 43 CFR 3130; 43 CFR 3200

Abstract: This rule would amend the existing regulations as they relate to bond coverage for oil and gas and geothermal resources, including the raising of bond amounts.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	50 FR 18614
NPRM Comment Period End	07/01/85	50 FR 18614
Interim Final Rule	12/00/85	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AB13

1322. COMBINED HYDROCARBON LEASING

Legal Authority: 30 USC 181 et seq; 30 USC 351 et seq; 43 USC 1701 et seq; 95 Stat. 1070

CFR Citation: 43 CFR 3140

Abstract: This rule would be amended to provide definitions of and procedures for meeting the production in paying quantities and the diligent development of tar sand requirements for all combined hydrocarbon leases.

Timetable:

Action	Date	FR Cite
NPRM	01/10/85	50 FR 1300
NPRM Comment Period End	03/11/85	50 FR 1300
Final Action	01/00/86	

Small Entity: No

Agency Contact: Edward E. Coggs, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-2892

RIN: 1004-AA70

1323. ONSHORE OIL AND GAS OPERATIONS - NONCOMPLIANCE AND ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 188; 30 USC 189; 30 USC 359; 30 USC 1701 et seq; 25 USC 396; 25 USC 396d

CFR Citation: 43 CFR 3163

Abstract: This rule will amend the recently codified regulations implementing the Federal Oil and Gas Royalty Management Act to address concerns raised about the impact of the regulations on industry.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/85	50 FR 11517
ANPRM Comment Period End	05/21/85	50 FR 11517
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735.

Agency Contact: Gilbert O. Lockwood, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004–AB05

1324. ONSHORE OIL AND GAS ORDER NO. 3 - PROTECTION OF OIL AND GAS AND OTHER MINERAL DEPOSITS AND SURFACE AND SUBSURFACE WATER RESOURCES

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It also details measures required for protection of fresh water or other minerals encountered. It replaces NTL-2B. The Order will also contain inspection standards. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AA66

1325. ONSHORE OIL AND GAS ORDER NO. 2 - HYDROGEN SULFIDE OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
Final Action	03/00/86	

Small Entity: No

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AA67

1326. ONSHORE OIL AND GAS OPERATIONS - ONSHORE OIL AND GAS ORDER NUMBER 4- MEASUREMENT OF CRUDE OIL AND NATURAL GAS

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Abstract: This document is being issued under the oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement and recording of the volumes of natural gas, crude oil and lease condensation produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. This order will also contain inspection standards. This is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AA96

1327. ● ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3170

Abstract: This rulemaking will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing cooperative agreements with States and Indian tribes for inspection and enforcement. It will also provide the procedures for delegation of authority to States in connection with oil and gas operations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004–AB17

1328. ● GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Abstract: This rulemaking will revise provisions of former 30 CFR 270 which was transferred to the Bureau from the Minerals Management Service and amend the geothermal leasing provisions which regulate geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AB18

1329. COAL MANAGEMENT - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR 3400

Abstract: This rule will amend the existing regulations covering the procedures for leasing and management of Federal coal to reflect certain recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing.

Timetable:

Action	Date	FR Cite
NPRM	11/05/84	49 FR 44221
NPRM Comment Period End	05/09/85	50 FR 12053
Interim Final Rule	11/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Dan Dick (202) 343-4437.

Agency Contact: Tom Walker, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-4636

RIN: 1004–AA95

1330. COAL MANAGEMENT - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR 3400

Abstract: This rule will amend the existing regulations covering the procedures for leasing and management of Federal coal to reflect certain recommendations of the Office of Technology Assessment.

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	50 FR 10508
NPRM Comment Period End	05/09/85	50 FR 12053
Interim Final Rule	11/00/85	

Small Entity: No

Additional Information: This rulemaking was split from an existing RIN, 1004-AA95, Coal Management - General.

Agency Contact: Tom Walker, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-4636

RIN: 1004–AB14

1331. COAL LEASE AND COAL LAND EXCHANGES; ALLUVIAL VALLEY FLOORS

Legal Authority: 30 USC 1260(b)(5)

CFR Citation: 43 CFR Subpart 3436

Abstract: This rule will be revised to delete the provision requiring alluvial valley floor exchange proponents to bear all the administrative costs connected with such exchanges.

Timetable:

Action	Date	FR Cite
NPRM	06/07/85	50 FR 23997
NPRM Comment Period End	08/07/85	50 FR 23997
Final Action	01/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address).

Agency Contact: Carole Smith, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-6821

RIN: 1004–AA64

1332. ◉ COAL EXPLORATION AND MINING OPERATIONS RULES - CLARIFICATION OF LOGICAL MINING UNIT EFFECTIVE DATE

Legal Authority: 30 USC 181 et seq; 90 Stat. 1083

CFR Citation: 43 CFR 3480

Abstract: This rulemaking will clarify the discretionary authority of the Secretary of the Interior in establishing the effective date of approval of a logical mining unit.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Allen B. Agnew, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB16

1333. LEASING OF SOLID MINERALS OTHER THAN COAL AND OIL SHALE

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR Group 3500

Abstract: This rulemaking is being totally revised by format only to facilitate ease of understanding and to promote clarity and efficiency. The rulemaking will divide the minerals covered into specific titles.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 4512
NPRM Comment Period End	07/11/85	50 FR 4512
Final Action	12/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACTS: Zareh Mozian (202) 343-3258; Robert C. Bruce (202) 343-8735.

Agency Contact: Marcia Rohn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-3258

RIN: 1004–AB01

1334. OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3570

Abstract: This rule will revise the existing regulations to streamline them and to have them reflect current policy and industry operating practices relating to the leasing of minerals other than oil and gas.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Agency Contact: Harry Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AA68

1335. MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Abstract: These two groups of regulations will be combined into a single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Proposed Rulemaking	12/27/82	47 FR 57521
NPRM	12/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735.

Agency Contact: Eugene Carlet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8537**

RIN: 1004-AB04

1336. GRAZING ADMINISTRATION - EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315; 43 USC 1181(d); 43 USC 1701 et seq; PL 98-473

CFR Citation: 43 CFR 4100; 43 CFR 4130; 43 CFR 4140; 43 CFR 4170

Abstract: This rule will amend the existing regulations to incorporate the provisions of the Department of the Interior Appropriations Act for Fiscal Year 1985 covering subleasing of grazing leases and permits.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9696
NPRM Comment Period End	05/10/85	50 FR 9696
Final Action	10/00/85	

Small Entity: No

Agency Contact: Billy Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-9193**

RIN: 1004-AB12

1337. WILD FREE-ROAMING HORSE AND BURRO PROTECTION: MANAGEMENT AND CONTROL

Legal Authority: 16 USC 1331 to 1340; 43 USC 1701 et seq

CFR Citation: 43 CFR 4700

Abstract: This part will be revised in order to reorganize the regulations into a logical, consistent format and to remove needless self-regulation more appropriate for the Bureau Manual. In addition, related rules will be consolidated (aircraft and motor vehicles - 4730 and 4740; removal of horses and burros - 4720, 4740 and 4750), and rules which have no foundation in the law will be eliminated (problem animals - (4740.3(c); fencing of private land - 4750.3)). Procedures for adoption and title transfer will be clarified, and burdensome requirements for veterinarian certifications will be eased by canceling the requirement or allowing certification from any qualified official (4740.4-2 and 4740.5). The costs to those who choose to participate in the adoption program should be lessened by these revisions.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49252
NPRM Comment Period End	02/19/85	49 FR 49252
Final Action	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: Richard Starke, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 653-9215**

RIN: 1004-AA31

1338. PROTECTION OF SPECIAL STATUS PLANTS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 6850

Abstract: This rule will provide the procedure for protecting rare plants located on the public lands. The uncontrolled collection of these rare plants will endanger their existence.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: William H. Radtkey, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-9202**

RIN: 1004-AB09

1339. CULTURAL RESOURCE MANAGEMENT

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Abstract: The rule will adapt a Governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing review system of review.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-9353**

RIN: 1004-AA69

1340. PROCEDURES - FOSSIL FOREST RESEARCH NATURAL AREA

Legal Authority: 16 USC 1131 to 1136; 43 USC 1701 et seq; 30 USC 181 et seq; 30 USC 1201 et seq; 90 Stat. 1083 to 1092

CFR Citation: 43 CFR 8224

Abstract: This rule will provide procedures for the management and protection of natural, aesthetic, scientific, educational and

paleontological values in the Fossil Forest of New Mexico.

Timetable:

Action	Date	FR Cite
NPRM	05/30/85	50 FR 23034
NPRM Comment Period End	07/29/85	50 FR 23034
Final Action	09/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson, (202) 343-8735

Agency Contact: F. Carl Barna, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AB06

1341. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
Second NPRM	11/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: R.O. Miller (202) 343-8735 (see Agency Contact heading for address). The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 USC 3501 et seq and assigned clearance number 1004-0106. Originally scheduled: 07/80.

Agency Contact: Carl Barna, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-3207

RIN: 1004-AA27

1342. RECREATION: GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Wesley R. Henry, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA35

1343. USE AUTHORIZATIONS; SPECIAL RECREATION PERMITS

Legal Authority: 43 USC 1201 et seq; 43 USC 1701 et seq; 43 USC 1181a; 16 USC 460 to 6a

CFR Citation: 43 CFR Subpart 8372

Abstract: This rule is being revised to reflect revised, special recreation policies.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Bruce Brown, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA36

1344. CADASTRAL SURVEY

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Bernard W. Hostrop, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8798

RIN: 1004-AB07

1345. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: Leroy Allen, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-8815

RIN: 1004-AA38

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Completed Actions

COMPLETED RULEMAKINGS

1346. OIL AND GAS LEASING

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR 3100; 43 CFR 3110; 43 CFR 3120

Abstract: This rule will amend the recently codified regulations to include procedural changes that have developed as a result of operations under the regulations.

Timetable:

Action	Date	FR Cite
This rulemaking is being combined with 1004-AA97	08/27/85	

Small Entity: Undetermined

Agency Contact: Valliere Cacy, Department of the Interior, Bureau of Land Management, 1800 C Street NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AA72

1347. GEOTHERMAL RESOURCES UNIT AGREEMENTS - UNPROVEN AREAS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3280

Abstract: This rule, which contains the provisions governing the formation and operation of geothermal unit plans of development, will be revised to eliminate unnecessary and outdated provisions.

Timetable:

Action	Date	FR Cite
This rulemaking is being combined with 1004-AA97 and should be deleted from the Agenda.	08/27/85	
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735. Originally scheduled: October 1983.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AA63

1348. COAL MANAGEMENT: GENERAL; COAL MANAGEMENT PROVISIONS AND LIMITATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359 et seq; 30 USC 521 to 531 et seq; 30 USC 1201 et seq; 43 USC 1701 et seq; 90 Stat. 1083 to 1092

CFR Citation: 43 CFR 3400; 43 CFR 3470

Abstract: These rules will be revised to provide policies and procedures that would be followed in issuing and using certificates of bidding rights.

Timetable:

Action	Date	FR Cite
DOI has determined this rulemaking is no longer needed and is deleting it from Agenda.	08/27/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1983.

Agency Contact: Carole Smith, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-6821

RIN: 1004-AA58

1349. FEDERAL OIL SHALE MANAGEMENT

Legal Authority: 30 USC 181 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3900

Abstract: This major rule will establish procedures for conducting a competitive leasing program, including procedures for issuing competitive oil shale leases, leasing multimineral deposits, issuing exploration licenses, and managing oil shale leases. Oil shale is a resource that has significant potential to increase the domestic energy supply and to reduce the Nation's dependence on foreign sources of energy. The rule is needed to establish procedures that will allow orderly development of this resource. Annual Federal costs of administering the oil shale leasing program described in the rule are estimated to be $3.5 million to $4.0 million. Total production from Federal leases is expected to range from 120,000 barrels per day to 400,000 barrels per day by the year 2000. The annual production costs associated with Federal oil shale leases are estimated to range from $1.2 billion to $3.1 billion. The shift in balance of payments resulting from the Federal program is estimated to be $5.5 billion to $7.0 billion in 1990. The rule, therefore, has been determined to be major because it is anticipated to have greater than a $100 million annual impact on the economy. Copies of the (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/11/83	48 FR 6510
Notice of withdrawal effective	09/25/85	
Notice of withdrawal	09/25/85	

Small Entity: No

Additional Information: ABSTRACT CONT: Preliminary Regulatory Impact Analysis were available from the Agency Contacts upon publication of the proposed rule. Copies of the Final Regulatory Impact Analysis will be available from the Agency Contacts upon publication of the final rule. ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1982.

Analysis: Preliminary RIA 02/11/83 (48 FR 6510); Final RIA 12/00/84

Agency Contact: Elizabeth Owen, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-3258

RIN: 1004-AA04

1350. GRAZING ADMINISTRATION EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315; 43 USC 1181(d); 43 USC 1701 et seq

CFR Citation: 43 CFR 4110; 43 CFR 4130

Abstract: This rulemaking will amend the existing regulations to clarify questions concerning livestock and base property leases.

Timetable:

Action	Date	FR Cite
This rulemaking has been combined with 1004-AB12	08/27/85	

Small Entity: Undetermined

DOI—BLM

Completed Actions

Agency Contact: Billy Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-9193**

RIN: 1004–AA94

1351. SALES OF FOREST PRODUCTS; GENERAL

Significance: Agency Priority

Legal Authority: PL 98-478

CFR Citation: 43 CFR 5400

Abstract: This rule will provide the procedures for implementing the requirements of Public Law 98-478, the Federal Timber Contract Payment Modification Act.

Timetable:

Action	Date	FR Cite
NPRM	12/05/84	49 FR 47511
NPRM Comment Period Begin	12/05/84	49 FR 47511
NPRM Comment Period End	02/04/85	
Final Action	06/27/85	50 FR 26676
Final Action Effective	06/27/85	50 FR 26676

Small Entity: No

Agency Contact: Charles Frost, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-8864**

RIN: 1004–AB08

1352. MANAGEMENT OF DESIGNATED WILDERNESS AREAS

Legal Authority: 43 USC 1701 et seq; 16 USC 1131

CFR Citation: 43 CFR 8560

Abstract: This rule will provide procedures for the use of Congressionally designated wilderness areas in public lands.

Timetable:

Action	Date	FR Cite
NPRM	06/14/83	48 FR 27366
Final Action Except Section 8560.4-6(j)	02/25/85	50 FR 7704
Final Action Effective	03/27/85	50 FR 7704
NPRM involving Section 8560.4-6(j)	08/06/85	50 FR 31734
NPRM Comment Period	09/05/85	50 FR 31734

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: R.O. Miller (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: David Porter, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-6064**

RIN: 1004–AA37

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

Geological Survey (GS)

Current and Projected Rulemakings

1353. ● WATER RESOURCES RESEARCH AND WATER RESOURCES TECHNOLOGY DEVELOPMENT PROGRAM

Legal Authority: PL 98-242, Sec 105 to 106 Water Resources Research Act of 1984

CFR Citation: 30 CFR 402, (New)

Abstract: The purpose of the new proposed regulation is to establish procedures that will enable the Department of the Interior to meet its responsibilities in administering the Water Resources Research Act of 1984. The objective of this Act is to assist the Nation and the States in augmenting their water resources science and technology. The proposed regulation addresses the location of the administrative responsibility within the Department of the Interior; cost-sharing requirements and evaluation processes required by the Water Resources Research Act of 1984; and, application and reporting procedures to be utilized by interested parties.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $140,000; Base Year for Dollar Estimates: 1985

Government Levels Affected: Federal

Agency Contact: Melvin Lew, Department of the Interior, Geological Survey, 426 National Center, Reston, VA 22092, **703 860-7324**

RIN: 1028–AA01

DEPARTMENT OF THE INTERIOR (DOI)

Geological Survey (GS)

Completed Actions

COMPLETED RULEMAKINGS

1354. STATE WATER RESEARCH INSTITUTE PROGRAM

Legal Authority: 42 USC 10303 Water Resources Research Act of 1984

CFR Citation: 18 CFR 501, (Revocation); 18 CFR 502, (Revocation); 18 CFR 503, (Revocation); 18 CFR 504, (Revocation); 18 CFR 505, (Revocation); 18 CFR 506, (Revocation); 18 CFR 507, (Revocation); 18 CFR 508, (Revocation); 30 CFR 401

Abstract: The purpose of this action is to establish procedures that will enable the Secretary of the Interior to meet his responsibilities in administering the program of state water research institutes reauthorized by the Water Resources Research Act of 1984. The rules and regulations presently governing the grant program were promulgated in 1964 and are not responsive to the new legislation. The new rules and regulations will primarily address matters of: administrative

responsibility within the Department; state designation of the universities hosting the institutes; cost-sharing requirements and the evaluation process called for by the Act; and application and reporting procedures. The action will provide clear and consistent administrative direction to both the granting agency and the grantees. The revised rule will be redesignated as 30 CFR 401.

Timetable:

Action	Date	FR Cite
NPRM	01/08/85	
NPRM Comment Period End	03/11/85	50 FR 00956
Final Action	05/31/85	50 FR 23113
Final Action Effective	07/01/85	50 FR 23113

Small Entity: No

Agency Contact: Madge Ertel, State Liaison Specialist, Department of the Interior, Geological Survey, Mail Stop 424, Reston, Virginia 22092, 703 860-7921

RIN: 1028–AA00

[FR Doc. 85-22043 Filed 10-28-85; 8:45 am]

BILLING CODE 4310-10-T

federal register

Tuesday
October 29, 1985

Part XI

Department of Justice

Semiannual Regulatory Agenda

DOJ

DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. II

28 CFR Ch. I

48 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Legal Policy, Department of Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its October 1985 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR Part 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601-612 (West 1984), and Office of Management and Budget Bulletin No. 85-21, July 15, 1985.

FOR FURTHER INFORMATION CONTACT: Janis A. Sposato, General Counsel, Justice Management Division, Department of Justice, Room 1226, 10th and Constitution Avenue, N.W., Washington, D.C. 20530 (202-633-3452).

SUPPLEMENTARY INFORMATION: The Department has identified 32 current and projected rulemakings for inclusion in the agenda. Eight of these regulations have had final actions.

DATED: September 10, 1985.

James M. Spears,

Acting Assistant Attorney General, Office of Legal Policy.

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Current and Projected Rulemakings

1355. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Significance: Agency Priority

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart H, (New)

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended. The proposed rule was published for comment, modified, approved by the Office of Legal Counsel, Department of Justice and forwarded to the Secretary of the Department of Health and Human Services for approval on November 10, 1980.

Timetable:

Action	Date	FR Cite
NPRM	05/19/80	45 FR 32710
Final Action	00/00/00	

Small Entity: No

Agency Contact: Doreen Dennis, Attorney, Department of Justice, Civil Rights Division, Coordination and Review Section, Washington, DC 20530, 202 724-2219

RIN: 1190-AA03

1356. PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973c

CFR Citation: 28 CFR 51

Abstract: PROBLEM THE REGULATION WILL ADDRESS: Revision of the Procedures is needed as a result of experience under them since 1981, interpretations of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, contained in judicial decisions, changes mandated by the 1982 Amendments to the Voting Rights Act, P.L. 97-205, 96 Stat. 131., and to set out substantive standards followed by the Attorney General. ALTERNATIVES BEING CONSIDERED: (1) Revisions to address all of the problems described above, or (2) revisions limited to incorporate changes made by the 1982 Amendments. ACTION'S POTENTIAL COSTS: None. ACTION'S POTENTIAL BENEFITS: Entities subject to Section 5 and other interested persons will receive greater guidance with respect to the procedures and standards of the Attorney General.

Timetable:

Action	Date	FR Cite
NPRM	05/06/85	50 FR 19122
NPRM Comment Period Begin	05/06/85	
NPRM Comment Period End	07/05/85	
Final Action	11/01/85	
Final Action Effective	12/01/85	

Small Entity: Not Applicable

Agency Contact: David Hunter, Attorney, Voting Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-5898

RIN: 1190-AA05

1357. IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973b; 42 USC 1973j(d); 42 USC 1973aa-1a; 42 USC 1973aa-2

CFR Citation: 28 CFR 55

Abstract: Revision of the minority language guidelines is needed to conform them to new determinations of coverage and to changes mandated by the 1982 Amendments to the Voting Rights Act, PL 97-205. Affected entities and interested persons will have more accurate information with respect to the application of the minority language requirements of the Voting Rights Act.

Timetable:

Action	Date	FR Cite
Final Action	11/01/85	
Final Action Effective	11/01/85	

Small Entity: Not Applicable

Agency Contact: David H. Hunter, Attorney, Voting Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-5898

RIN: 1190-AA15

[FR Doc. 85-22343 Filed 10-28-85; 8:45am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Current and Projected Rulemakings

1358. JUSTICE ACQUISITION REGULATIONS

Legal Authority: 41 USC 405a

CFR Citation: 48 CFR 32

Abstract: The proposed regulation will implement and supplement progress payments under FAR Subpart 32.5.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Larry Silvis, Assistant Director, Policy Development, Department of Justice, General Administration, 601 D St., NW, Room 9000, Washington, DC 20004, 202 272-8356

RIN: 1103-AA02

1359. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW REPRESENTATION AND APPEARANCES

Legal Authority: 28 USC 509; 28 USC 510; 5 USC 301; 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.3; 8 CFR 3.1

Abstract: The contemplated regulation change would revise the procedure by which attorneys and representatives may be disbarred or suspended. It provides for a hearing and decision by an immigration judge, with appeal rights to the Board of Immigration Appeals and some limited review by the Attorney General. The change is desirable since it eliminates procedural entanglements between the Service and the immigration judges which exist in the current procedure.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA03

1360. PROCEDURAL RULES FOR IMMIGRATION JUDGE PROCEEDINGS

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1253

CFR Citation: 8 CFR 3; 8 CFR 103; 8 CFR 208; 8 CFR 236; 8 CFR 242; 8 CFR 243; 8 CFR 246; 8 CFR 292

Abstract: The contemplated regulation revisions would set out a group of uniform rules of procedure in immigration proceedings to provide guidance to parties appearing before immigration judges in deportation, exclusion, bond, and rescission matters. These rules are designed to assist in the expeditious, fair, and proper resolution of matters coming before immigration judges. These rules encompass such matters as jurisdiction, venue, motions, conduct of hearing, decisions, and appeals.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA04

1361. REPRESENTATION AND APPEARANCES

Legal Authority: 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.1

Abstract: The contemplated regulation change would limit practice of foreign-licensed attorneys outside the definition of attorney under 8 CFR 1.1(f) to matters arising outside the United States and to those instances where the Immigration and Naturalization Service allows such practice. This is designed to help assure the high quality of representation in immigration matters.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA05

1362. ● APPEAL OF SECTION 212(C) WAIVER APPLICATIONS

Significance: Agency Priority

Legal Authority: 8 USC 301; 8 USC 509; 8 USC 510; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1182b; 8 USC 1182c; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 3; 8 CFR 212

Abstract: The proposed regulation revisions would streamline the appeal procedure for this application by eliminating an appeal to the Board of Immigration Appeals following a denial of the waiver by an INS district director. The appeal to the Board of Immigration Appeals is retained in reviewing proceedings before immigration judges. The revision is designed to encourage speedy adjudication of Immigration and Nationality Act section 212(c) applications and economy of resources.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 25904
NPRM Comment Period Begin	06/24/85	50 FR 25904
NPRM Comment Period End	07/24/85	
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA06

1363. ● MOTIONS TO REOPEN DEPORTATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1252

CFR Citation: 8 CFR 242

Abstract: The contemplated revision would delete the language allowing an application for adjustment of status under section 245 of the Immigration and Nationality Act, filed by itself, to be considered as a motion to reopen in deportation proceedings. The practice of allowing such applications to be treated as motions to reopen has resulted in confusion and administrative delay. This revision would treat motions to reopen for adjustment of status as any other motion to reopen. It is designed to eliminate the administrative difficulties involved with the filing of a bare adjustment of status application with no indication of whether or not it is a motion to reopen.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA07

[FR Doc. 85-22343 Filed 10-28-85; 8:45am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ) Current and Projected Rulemakings

Immigration and Naturalization Service (INS)

1364. IMPOSITION OF MINIMUM BOND AS CONDITION OF RELEASE

Legal Authority: 8 USC 1103; 8 USC 1252; 8 USC 1254

CFR Citation: 8 CFR 3.1(b)(7); 8 CFR 242.2

Abstract: The proposed rule would revise the procedures relating to release of apprehended aliens. Release without bond would be authorized only for compelling interests of the government, and only by a district director of the Immigration and Naturalization Service. Neither an Immigration Judge nor the Board of Immigration Appeals would have authority to release an alien without bond.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Since the proposed rule would impact upon the newly created Executive Office For Immigration Review, it is subject to review and promulgation by the Attorney General.

Agency Contact: Michael J. Heilman, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-2620

RIN: 1115-AA03

1365. NONIMMIGRANT CLASSES; EXTENSIONS OF STAY FOR CERTAIN NONIMMIGRANT CLASSIFICATIONS

Legal Authority: 8 USC 1103; 8 USC 1184

CFR Citation: 8 CFR 214.2

Abstract: This final rule will improve the extension of stay rules for the E, J, and certain NATO nonimmigrant classifications by allowing the nonimmigrant to enter the United States for a longer period of time upon initial admission. This change should eliminate unnecessary extension of stay applications while still allowing for adequate control of these nonimmigrant groups.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	
Final Action Effective	10/00/85	

Small Entity: No

Agency Contact: Jeffrey Trecartin, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3240

RIN: 1115-AA11

1366. ASYLUM PROCEDURES

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253

CFR Citation: 8 CFR 208; 8 CFR 235.9; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f)

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/85	
ANPRM Comment Period Begin	09/00/85	
ANPRM Comment Period End	11/00/85	

Small Entity: No

Agency Contact: Ralph B. Thomas, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-5463

RIN: 1115-AA13

1367. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT; FILING DATE

Legal Authority: 8 USC 1154

CFR Citation: 8 CFR 204.1(d)(2)

Abstract: This proposed rule would require filing of third and sixth preference petitions within 30 days of issuance of a labor certification in order to preserve the date of submission to a state employment service office as the alien's priority date. Otherwise the

priority date would be the date the petition is filed with the Service.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	
ANPRM Comment Period Begin	10/00/85	
ANPRM Comment Period End	12/00/85	

Small Entity: No

Agency Contact: Lloyd Sutherland, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3946

RIN: 1115–AA14

1368. CERTIFICATES OF CITIZENSHIP; EXAMINATION UPON APPLICATION; NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME

Legal Authority: 8 USC 1452; 8 USC 1454

CFR Citation: 8 CFR 341.2(A); 8 CFR 343A.1

Abstract: This rule would amend the existing regulations relating to the conducting of required interviews on applications for citizenship or replacement of lost, mutilated, or destroyed citizenship papers. This would eliminate unnecessary interview time and allow more applications to be processed.

Timetable:

Action	Date	FR Cite
NPRM	07/15/85	50 FR 28586
NPRM Comment Period Begin	07/15/85	50 FR 28586
NPRM Comment Period End	09/13/85	
Final Action	10/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Agency Contact: Raymond R. Jaroneski, Jr., Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-5014

RIN: 1115–AA15

1369. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212.1(e)

Abstract: This proposed rule would restrict citizens of Bangladesh, India, Pakistan and Sri Lanka from transiting the United States without visas.

Timetable:

Action	Date	FR Cite
NPRM	02/04/85	50 FR 4865
NPRM Comment Period Begin	02/04/85	50 FR 4865
ANPRM	02/00/85	
ANPRM Comment Period Begin	02/00/85	
NPRM Comment Period End	03/06/85	
ANPRM Comment Period End	03/00/85	
Final Action	10/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Agency Contact: Harvey Adler, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-2694

RIN: 1115–AA17

1370. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES AND INTRACOMPANY TRANSFEREES

Legal Authority: 8 USC 1101; 8 USC 1184

CFR Citation: 8 CFR 214.2(h); 8 CFR 214.2(l)

Abstract: This proposed rule would amend existing regulations relating to temporary employees and intracompany transferees to clarify the requirements for eligibility and facilitate public understanding of the adjudication process.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	
ANPRM Comment Period Begin	10/00/85	
ANPRM Comment Period End	12/00/85	

Small Entity: No

Agency Contact: Flora Richardson, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3240

RIN: 1115–AA18

1371. ● DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212.1(k)

Abstract: The proposed rule would outline requirements for approval of Section 212(k) Waivers, including an Amended I-193 for use in making application.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	
ANPRM Comment Period Begin	10/00/85	
ANPRM Comment Period End	11/00/85	

Small Entity: No

Agency Contact: Dennis McCloskey, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-2680

RIN: 1115–AA19

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Existing Regulations Under Review

1372. ● PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL; ORDER TO SHOW CAUSE AND NOTICE OF HEARING

Legal Authority: 8 USC 1252

CFR Citation: 8 CFR 242.1(A)

Abstract: This proposed change would extend order to show cause issuance authority to an Assistant District Director for Deportation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Cliff Landsman, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, 202 633-4120

RIN: 1115-AA20

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Completed Actions

COMPLETED RULEMAKINGS

1373. INSPECTION OF PERSONS APPLYING FOR ADMISSION; PREINSPECTION

CFR Citation: 8 CFR 235.5(c)

Completed:

Reason	Date	FR Cite
Final Action	03/26/85	50 FR 11841
Final Action Effective	04/28/85	50 FR 11841

Small Entity: No

Agency Contact: Valerie M. Blake 202 633-2694

RIN: 1115-AA10

1374. CHANGE OF NONIMMIGRANT CLASSIFICATION

CFR Citation: 8 CFR 248.3; 8 CFR 248.4

Completed:

Reason	Date	FR Cite
Final Action	06/21/85	50 FR 25696
Final Action Effective	07/22/85	50 FR 25696

Small Entity: No

Agency Contact: Jeffrey Trecartin 202 633-3240

RIN: 1115-AA16

[FR Doc. 85-22343 Filed 10-28-85; 8:45am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Current and Projected Rulemakings

1375. REVISION OF DEPARTMENT OF JUSTICE FEE REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

Legal Authority: 28 USC 509; 28 USC 510; 5 USC 301; 5 USC 552; 31 USC 9701

CFR Citation: 28 CFR 16, (Revision)

Abstract: This is a proposed revision to the procedural regulations of the Department of Justice, 28 CFR 16.10, setting forth the fees to be charged under the Freedom of Information Act ("FOIA"), 5 USC 552. It is proposed that this provision be amended, for the first time since 1975, to increase certain of the fees charged under the Act. No change is proposed in the current charge of 10 cents per page for duplication.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Daniel J. Metcalfe, Co-Director, Department of Justice, Legal Activities, Office of Information and Privacy, 202 724-7400

RIN: 1105-AA04

1376. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, Federal

Analysis: Preliminary RIA 12/00/84; Final RIA 03/00/85

Agency Contact: Helen Shaw, Department of Justice, Legal Activities. 202 633-2034

RIN: 1105-AA05

[FR Doc. 85-22343 Filed 10-28-85; 8:45am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Current and Projected Rulemakings

1377. OMB ADMINISTRATIVE REQUIREMENTS FOR DOJ ASSISTANCE PROGRAMS--GRANTS ADMINISTRATION

Significance: Agency Priority

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 11

Abstract: (a) All financial assistance awards and subawards, in the form of grants and cooperative agreements, in accordance with paragraph (b) below, are subject to OMB Circulars A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments" and A-110, "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations", as revised.

(b)(1) Governmental recipients and subrecipients are subject to Circulars A-102 and A-87. (2) Institutions of higher education which are recipients or subrecipients are subject to Circulars A-110 and A-21. (3) Nonprofit organizations which are recipients or subrecipients are subject to Circulars A-110 and A-122.

(c) The Circulars referred to in this Part are incorporated by reference into this regulation and include all future changes upon OMB's publication of the change in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM Crime Victim Assistance Grants	03/20/85	50 FR 11262
Final Action Crime Victim Compensation Grants	08/28/85	50 FR 34921
Final Action Crime Victim Assistance Grants	09/00/85	

Small Entity: Not Applicable

Additional Information: This order is not a rule within the meaning of the Regulatory Flexibility Act, 5 USC 601-612. This order is not a major rule as defined by section 1.b of Executive Order No. 12291, 3 CFR 127 (1981). All provisions of Department of Justice program manuals, handbooks and other materials which are inconsistent with the above OMB Circulars are superseded, except to the extent that they are (a) required by statute, or (b) authorized in accordance with the exceptions provisions of a circular.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles A. Lauer, General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1268, Washington, DC 20531, 202 724-7795

RIN: 1121-AA05

1378. CRIME VICTIM ASSISTANCE GRANTS

Legal Authority: PL 98-473, Sec 1407 Victims of Crime Act of 1984

CFR Citation: 00 CFR None

Abstract: The regulation will assist in implementing a grant program providing Federal financial aid to States for support of crime victim assistance programs. The Victims of Crime Act of 1984 authorizes the Attorney General to make annual grants to the States from the Crime Victims Fund in the Treasury which can receive up to $100 million annually from new penalty assessments, forfeited appearance bonds, bail bonds, collateral security from criminal defendants, and certain literary profits of convicted defendants. Priority is given to programs providing assistance to victims of sexual assault, spousal and child abuse. Specific requirements are set forth concerning program eligibility, allocation of funds, and application procedures.

Timetable:

Action	Date	FR Cite
NPRM	03/20/85	50 FR 11262
NPRM Comment Period Begin	03/20/85	50 FR 11262
NPRM Comment Period End	05/20/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Charles M. Hollis, Deputy Director, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Washington, DC 20531, 202 724-5947

RIN: 1121-AA07

1379. EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Legal Authority: PL 98-473 Justice Assistance Act of 1984

CFR Citation: 28 CFR 65

Abstract: Under the direction and authority of the Attorney General, the Emergency Federal Law Enforcement Assistance will function to assist State and/or local units of government in responding to a law enforcement emergency. Law enforcement emergencies are defined in the Justice Assistance Act of 1984 as uncommon situations which threaten to become of serious or epidemic proportions requiring additional law enforcement resources. The regulation sets forth application requirements and methods for the allocation of funds.

Timetable:

Action	Date	FR Cite
NPRM	08/07/85	50 FR 31888
NPRM Comment Period Begin	08/07/85	50 FR 31888
NPRM Comment Period End	10/07/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: R. John Gregrich, Program Manager, Bureau of Justice Assist., Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Washington, DC 20531, 202 724-6838

RIN: 1121-AA08

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Completed Actions

COMPLETED RULEMAKINGS

1380. FORMULA GRANT PROGRAM

CFR Citation: 28 CFR 31

Completed:

Reason	Date	FR Cite
Final Action	06/20/85	50 FR 25550
Final Action Effective	06/20/85	50 FR 25550

Small Entity: Not Applicable

Agency Contact: Emily Martin 202 724-5921

RIN: 1121-AA00

1381. OFFICE OF JUSTICE PROGRAMS HEARING AND APPEAL PROCEDURES

CFR Citation: 28 CFR 18

Completed:

Reason	Date	FR Cite
Final Action	07/11/85	50 FR 28199
Final Action Effective	07/11/85	50 FR 28199

Small Entity: Not Applicable

Agency Contact: Charles A. Lauer 202 724-7795

RIN: 1121-AA01

1382. DISCRETIONARY GRANT PROGRAM OF BJA

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Final Action	07/26/85	50 FR 30664
Final Action Effective	07/26/85	50 FR 30664

Small Entity: Not Applicable

Agency Contact: Charles A. Lauer 202 724-7795

RIN: 1121-AA02

1383. CRIMINAL JUSTICE BLOCK GRANTS

CFR Citation: 28 CFR 33

Completed:

Reason	Date	FR Cite
Final Action	05/30/85	50 FR 22987
Final Action Effective	05/30/85	50 FR 22987

Small Entity: Not Applicable

Agency Contact: Charles A. Lauer 202 724-6235

RIN: 1121-AA03

1384. PUBLIC SAFETY OFFICERS' DEATH BENEFITS

CFR Citation: 28 CFR 32

Completed:

Reason	Date	FR Cite
Final Action	07/03/85	50 FR 27428
Final Action Effective	07/03/85	50 FR 27428

Small Entity: Not Applicable

Agency Contact: Charles A. Lauer and Yvette D. Caesar 202 724-7792

RIN: 1121-AA04

1385. CRIME VICTIM COMPENSATION GRANTS

CFR Citation: 00 CFR none

Completed:

Reason	Date	FR Cite
Final Action	08/28/85	

Small Entity: Not Applicable

Agency Contact: Charles M. Hollis 202 724-5947

RIN: 1121-AA06

1386. JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMPETITION AND PEER REVIEW POLICY

CFR Citation: 28 CFR 34

Completed:

Reason	Date	FR Cite
Final Action	08/02/85	50 FR 31361
Final Action Effective	08/02/85	50 FR 31361

Small Entity: No

Agency Contact: Alfred S. Regnery 202 724-7751

RIN: 1121-AA09

[FR Doc. 85-22343 Filed 10-28-85; 8:45am]
BILLING CODE 4410-01-T

Federal Register

Tuesday
October 29, 1985

Part XII

Department of Labor

Semiannual Regulatory Agenda

DOL

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Chs. 29 and 60

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming one year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between October 1985 and October 1986.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Acting Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue, N.W., Room S-2233, Washington, D.C. 20210, (202) 523-9058.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the unified agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental Officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

William E. Brock,

Secretary of Labor.

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1387	Debt Collection Act Regulations: Salary Offset	1290-AA04
1388	Right to Financial Privacy Act	1290-AA05

Employment Standards Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1389	Government Contractors: Nondiscrimination and Affirmative Action Obligation (ESA/OFCCP)	1215-AA01
1390	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
1391	Black Lung: Obligations of Lessors for Claims for Benefits (ESA/OWCP)	1215-AA03
1392	Labor Standards Provisions, Davis-Bacon and Related Acts (ESA/WH)	1215-AA07
1393	Longshoreman's Act: Regional Offices (ESA/OWCP)	1215-AA12
1394	FECA Medical Fee Regulations (ESA/OWCP)	1215-AA13

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Employment Standards Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
1395	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity. . ." (ESA/W-H)	1215-AA14
1396	Longshoremen's Act: Second Injury Relief; Annual Assessments (ESA/OWCP)	1215-AA18
1397	Records to be Kept by Employers (ESA/W-H)	1215-AA22
1398	Claims for Compensation Under the Federal Employees' Compensation Act	1215-AA29
1399	Longshore and Harbor Workers' Compensation Act and Related Statutes	1215-AA30
1400	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33

Employment Standards Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1401	Wage Payments Under the Fair Labor Standards Act of 1938	1215-AA32
1402	Employment of Handicapped Clients in Sheltered Workshops	1215-AA34
1403	Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts (ESA/W-H)	1215-AA35

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1404	Longshore and Harbor Workers' Compensation Act, (LHWCA) Applications for Authority to Write Insurance; How Filed; Evidence to be Submitted: Other Requirements	1215-AA31

Employment and Training Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1405	Airline Deregulation: Employee Benefit Program	1205-AA07
1406	Limitations on Tax Credit Reductions and Interest on Advances to States	1205-AA14
1407	Federal-State Extended Unemployment Compensation Act of 1970	1205-AA15
1408	Trade Adjustment Assistance for Workers	1205-AA17
1409	Unemployment Compensation for Ex-Servicemembers	1205-AA26
1410	Unemployment Insurance Quality Control Program	1205-AA28
1411	Senior Community Service Employment Program	1205-AA29
1412	Piece Rate Adjustments	1205-AA30
1413	Trade Adjustment Assistance for Workers	1205-AA31
1414	Implementation of the Deficit Reduction Act (P.L. 98-369) Provisions for Exchange of Income and Eligibility Information Among Federally-assisted Income Maintenance Programs	1205-AA32
1415	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA33
1416	Labor Certification Process for the Temporary Employment of Aliens in Agriculture and Logging in the United States	1205-AA34
1417	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43
1418	Work Incentive Programs for Aid to Families with Dependent Children Recipients under Title IV of the Social Security Act	1205-AA45
1419	Administrative Procedure	1205-AA46
1420	Agricultural Adverse Effect Wage Rates - Methodology for Computing Rates for 1986	1205-AA47
1421	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: Montana Adverse Effect Wage Rate	1205-AA48

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Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1422	Piece Rate Adjustments	1205-AA30
1423	Single Unit Charge Agreements	1205-AA35

Office of Pension and Welfare Benefits Programs—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1424	Individual Benefit Reporting - Recordkeeping - Multiple Employer Plans	1210-AA02
1425	Individual Benefit Reporting and Recordkeeping for Single Employer Plans	1210-AA03
1426	Plan Assets Regulation	1210-AA06
1427	Participant Directed Individual Account Plans	1210-AA08
1428	Loans to Participants	1210-AA09
1429	Exemption and Alternative Method of Compliance for Annual Reporting of Certain Entities	1210-AA14
1430	Adequate Consideration	1210-AA15
1431	Definition of Plan Assets -- Employee Contributions	1210-AA16
1432	Amendment of Severance Pay Regulation	1210-AA18
1433	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
1434	Procedures for Administrative Imposition of Civil Sanctions	1210-AA20
1435	Top Hat Plans	1210-AA21
1436	The Payment of Trustees' Litigation Expenses	1210-AA22

Office of Pension and Welfare Benefits Programs—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1437	Participation of Self-Regulatory Organizations in the Prohibited Transaction Exemption Process	1210-AA17

Mine Safety and Health Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1438	Pattern of Violations	1219-AA04
1439	Procedures for Approval of Mining Equipment	1219-AA06
1440	Review of Self-Contained Self Rescue Devices (SCSR) Standards Applicable to Coal Mining	1219-AA08
1441	Coal Mine Electrical Standards	1219-AA10
1442	Underground Coal Mine Ventilation	1219-AA11
1443	Review of Hoisting and Transportation of Persons and Material Standards Applicable to Coal Mining	1219-AA12
1444	Underground Coal Mine Roof Control	1219-AA13
1445	Review of Metal and Nonmetal Electricity Standards	1219-AA14
1446	Metal and Nonmetal Gassy Mines	1219-AA15
1447	Explosives and Blasting in Underground Coal Mines	1219-AA16
1448	Review of Metal and Nonmetal Explosives Standards	1219-AA17
1449	Review of Metal and Nonmetal Loading, Hauling, and Dumping Standards	1219-AA18
1450	Safety Standards for Machinery and Equipment at Metal and Nonmetal Mines	1219-AA19
1451	Metal and Nonmetal Air Quality Standard	1219-AA21
1452	Metal and Nonmetal Ground Control Standards	1219-AA22
1453	Requirements of Approval of Explosives and Sheathed Explosive Units, Water Stemming Bags, Electric Detonators and Blasting Units	1219-AA23
1454	Mine Plan Approvals	1219-AA26
1455	Metal and Nonmetal Radiation	1219-AA28
1456	Updating Fees Associated with Equipment Approvals	1219-AA29

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Mine Safety and Health Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1457	Approval Criteria for Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
1458	Approval Criteria for Respiratory Protective Devices	1219-AA30

Office of the Assistant Secretary for Administration and Management—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1459	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02
1460	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Labor Programs	1291-AA04
1461	Administrative Requirements Governing All Grants and Agreements by which Department of Labor Agencies Award Funds to State and Local Governments, Indian and Native American Entities, ETC	1291-AA05
1462	Department of Labor Acquisition Regulation (DOLAR) Implementation of Competition in Contracting Act of 1984 (CICA) (Pub. L. 98-369) into DOLAR	1291-AA06
1463	Implementation of the Single Audit Act of 1984	1291-AA07

Occupational Safety and Health Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1464	Occupational Exposures to Toxic Substances in Laboratories	1218-AA00
1465	Carcinogen Policy	1218-AA01
1466	Cotton Dust	1218-AA02
1467	Respiratory Protection	1218-AA05
1468	Ethylene Dibromide (EDB)	1218-AA06
1469	Hazard Communication	1218-AA08
1470	Lead - Reconsideration of Whole Standard	1218-AA11
1471	Lead - Coverage of the Stevedoring Industry	1218-AA13
1472	Access to Employee Exposure and Medical Records	1218-AA15
1473	Concrete and Masonry Construction (Concrete, Concrete Forms, and Shoring)	1218-AA20
1474	Grain Handling Facilities	1218-AA22
1475	Asbestos	1218-AA26
1476	Methods of Compliance	1218-AA28
1477	Hazardous Materials--Flammable and Compressed Gases	1218-AA31
1478	Electrical Safety - Related Work Practices (General Industry)	1218-AA32
1479	Powered Platforms for Exterior Building Maintenance	1218-AA33
1480	Oil and Gas Well Drilling and Servicing	1218-AA34
1481	Excavations (Excavations, Trenching, and Shoring)	1218-AA36
1482	Fall Protection (Construction)	1218-AA37
1483	Underground Construction (Tunnels and Shafts)	1218-AA38
1484	Electrical Standards - Construction	1218-AA39
1485	Scaffolds (Construction)	1218-AA40
1486	Safety Testing or Certification of Certain Workplace Equipment and Materials (Formerly entitled Accreditation of Testing Laboratories)	1218-AA42
1487	Crane or Derrick Suspended Personnel Platforms (Construction)	1218-AA45
1488	Scaffolds and Similar Work Surfaces (General Industry)	1218-AA46
1489	Benzene	1218-AA47
1490	Fall Protection Systems (General Industry)	1218-AA48
1491	Accident Prevention Tags	1218-AA49
1492	Ladders and Similar Climbing Devices (General Industry)	1218-AA50
1493	Confined Space (General Industry)	1218-AA51
1494	Logging	1218-AA52
1495	Control of Hazardous Energy Sources (Lockout/Tagout) (General Industry)	1218-AA53
1496	Mechanical Power Presses	1218-AA54
1497	Safety and Health Regulations for Shipyard	1218-AA55
1498	Safety and Health Regulations for Longshoring	1218-AA56
1499	Stairways and Ladders (Construction)	1218-AA57
1500	4,4'-Methylenedianiline	1218-AA58

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Occupational Safety and Health Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
1501	Electric Power Generation, Transmission and Distribution	1218-AA59
1502	Revision of Recordkeeping Requirements for Tests, Inspections, and Maintenance Checks	1218-AA60
1503	Pulp, Paper and Paperboard Mills	1218-AA61
1504	Fall Protection (Shipyard)	1218-AA66
1505	Scaffolds (Shipyard)	1218-AA68
1506	Access and Egress (Shipyard)	1218-AA70
1507	Personal Protective Equipment (Face, Head, and Eye Protection) (General Industry)	1218-AA71
1508	Welding, Cutting and Brazing (General Industry)	1218-AA72
1509	Welding, Cutting and Heating (Shipyard)	1218-AA73
1510	Personal Protective Equipment (Shipyard)	1218-AA74
1511	Marine Terminals	1218-AA75
1512	Compressed Air (Construction)	1218-AA76
1513	Hazardous Materials--Flammable and Combustible Liquids	1218-AA77
1514	Formaldehyde	1218-AA82
1515	Safety and Health Regulations for Shipyard Employment	1218-AA88
1516	Explosive and Other Dangerous Atmospheres	1218-AA91
1517	Hazard Communication (Trade Secrets)	1218-AA93

Occupational Safety and Health Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1518	Motor Vehicles, Mechanized Equipment, and Marine Operations (Construction)	1218-AA63
1519	Steel Erection	1218-AA65

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1520	Field Sanitation	1218-AA44

Office of the Assistant Secretary for Veteran's Employment & Training—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1521	Annual Report From Federal Contractors	1293-AA01

DEPARTMENT OF LABOR (DOL)

Current and Projected Rulemakings

Office of the Secretary (OS)

1387. DEBT COLLECTION ACT REGULATIONS: SALARY OFFSET

Legal Authority: 5 USC 5514

CFR Citation: 29 CFR 20

Abstract: These regulations will implement the Debt Collection Act of 1982 (P.L. 97-365). The Debt Collection Act gives Federal agencies new tools to collect on debts owed to the United States. These include the authority of Federal agencies to offset the current pay account of an employee ("Salary Offset") when the employee owes money to the United States. These regulations will establish the policies and procedures the Department of Labor will use to implement a salary offset, in conformance with the Office of Personnel Management Regulations on this matter (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Seth Zinman, Assoc. Sol. for Leg. and Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room N-2428, Washington, DC 20210, 202 523-8201

RIN: 1290-AA04

1388. RIGHT TO FINANCIAL PRIVACY ACT

Legal Authority: 12 USC 3401 et seq Right to Financial Privacy Act of 1978

CFR Citation: 29 CFR 19, (New)

Abstract: These proposed regulations would authorize Department of Labor units to request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and would set forth the conditions under which such requests may be made. Section 1108(2) of the Right to Financial Privacy Act of 1978 requires that the formal written request be authorized by regulations promulgated by the head of the agency or department. These proposed regulations would thus, once implemented, enable Department of Labor units to utilize the formal written request procedure to obtain financial records.

Timetable:

Action	Date	FR Cite
NPRM	04/02/85	50 FR 13049
NPRM Comment Period Begin	04/02/85	
NPRM Comment Period End	05/02/85	
Final Action	11/00/85	
Final Action Effective	12/00/85	

Small Entity: No

Agency Contact: Seth D. Zinman, Associate Solicitor, for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, Office of Solicitor, Francis Perkins, Building, 200 Constitution Avenue, NW, Washington, DC 20210 Rm N-2428, 202 523-8201

RIN: 1290-AA05

[FR Doc. 85-22694 Filed 10-28-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Current and Projected Rulemakings

1389. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATION (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Abstract: These provisions contain OFCCP's rules covering nondiscrimination and affirmative action obligations of covered contractors under EO 11246, the Vietnam Era Veterans Readjustment Assistance Act of 1974, and the Rehabilitation Act of 1973. The rule would be revised to make them more cost effective, reduce paperwork burdens and assure that contractors may always hire the best qualified person regardless of race, color, religion, sex, or national origin. Proposed changes to the regulations were published in the Federal Register on 12/28/79 and 02/22/80, and a final rule on these issues was published on 12/30/80 (45 FR 86215). The rule was stayed and reviewed in accordance with the President's Executive Order 12291 of 02/17/81. An ANPRM was published on 07/14/81 (46 FR 36213) and supplemented on 08/21/81 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on 08/25/81 (46 FR 42968) with comments due by 10/26/81. The proposal suspended the effective date of the 12/30/80 regulation, and proposed revision of that regulation. A final rule will be forwarded to OMB for review and (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & suspend eff date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM Comment Period Begin	04/23/82	
NPRM Comment Period End	05/24/82	
NPRM (Section 481, 29 USC 1781)	12/00/85	
Final Action	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: publication in the Federal Register in December 1985. In addition, in accordance with Section 481 of the Job Training Partnership Act of 1982 (JTPA), a Notice of Proposed Rulemaking, which would permit Federal contractors to meet their Executive Order affirmative action obligations through approved JTPA programs, will be forwarded to OMB for review and publication in the Federal Register in December 1985.

Agency Contact: Leonard J. Biermann, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, Rm C3324, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-9426

RIN: 1215-AA01

1390. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Abstract: This proposal would make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act, and

conform these rules to changes in DOL's regulations implementing Sec 504 of the Rehabilitation Act. These provisions reflecting statutory changes have been incorporated into the 08/25/81 "main" OFCCP proposal (46 FR 42968).

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period Begin	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Leonard J. Biermann, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, Rm C3324, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9426

RIN: 1215-AA02

1391. BLACK LUNG: OBLIGATIONS OF LESSORS FOR CLAIMS FOR BENEFITS (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 725.491(b)(2)

Abstract: The intent of this proposal is to make explicit the Department's policy that a lessor of a coal mine, who has never actually operated such a mine, will not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8570
NPRM Comment Period Begin	01/27/81	46 FR 8570
NPRM Comment Period End	03/30/81	
Final Action	03/00/86	

Small Entity: Undetermined

Agency Contact: James DeMarce, Associate Director, Department of Labor, Employment Standards Administration, Rm C3520, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-6692

RIN: 1215-AA03

1392. LABOR STANDARDS PROVISIONS, DAVIS-BACON AND RELATED ACTS (ESA/WH)

Significance: Regulatory Program

Legal Authority: 40 USC 276a to 276a7; 40 USC 276c; 40 USC 327 to 332; 5 USC Appendix Reorganization Plan No. 14 of 1950; 29 USC 259

CFR Citation: 29 CFR 1; 29 CFR 5

Abstract: These regulations govern labor standards applicable to federally funded or assisted construction contracts subject to the Davis- Bacon and Related Acts (as well as contracts subject to the Contract Work Hours and Safety Standards Act). The Department plans to implement provisions in these regulations that would permit contractors to expand their use of semi-skilled "helpers" on Davis-Bacon covered projects at wage lower than those paid to skilled journeymen. Revised final rules were originally published 05/28/82 (47 FR 23658), but were deferred on 07/26/82 (47 FR 32070) due to an injunction issued by the U.S. District Court. Although the U.S. Court of Appeals for the D.C. Circuit has since upheld most of the key helper provisions published in 1982, the district court injunction remains in effect against certain provisions dealing with helpers. The Department intends to implement the helper provisions in accordance with the decisions of the district and appeals courts.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA07

1393. LONGSHOREMAN'S ACT: REGIONAL OFFICES (ESA/OWCP)

Legal Authority: 33 USC 939(b)

CFR Citation: 20 CFR 702.101

Abstract: The low volume of cases received under the Longshore Act and its extensions did not justify maintaining separate longshore district offices for the disposition of cases in the Denver and Kansas City regions. Therefore, these offices were closed and their workloads transferred to the Seattle and Chicago district offices, respectively. This rule would formalize these changes by making a technical amendment to 20 CFR 702.101 redefining the jurisdictions of the four affected district offices.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	
Final Action Effective	09/00/85	

Small Entity: No

Agency Contact: Neil Montone, Associate Director, Department of Labor, Employment Standards Administration, Rm C4315, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8572

RIN: 1215-AA12

1394. FECA MEDICAL FEE REGULATIONS (ESA/OWCP)

Significance: Regulatory Program

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.400 et seq

Abstract: 5 USC 8103(a) of the Federal Employees' Compensation Act provides that the United States shall furnish a broad range of medical services and supplies to employees of the United States injured in the performance of duty. ESA proposes to exercise its statutory authority to define the "reasonableness" of medical service costs and thereby monitor, and possibly reduce, these costs by imposing a schedule of allowable fees to be paid for services under this law. On 06/07/84 (49 FR 23658), a notice of proposed rulemaking was published with comments due by 08/06/84. The comment period was extended from 08/06/84 to 10/05/84 in response to a request by the American Medical Association (49 FR 33695), and reopened from 01/31/85 to 03/04/85 (50 FR 4525).

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23658
NPRM Comment Period Begin	06/07/84	49 FR 23658
NPRM Comment Period End	08/06/84	
Extension of Comment Period	08/24/84	49 FR 33695
Comment Period Reopened from 1/31/85 to 3/4/85	03/04/85	50 FR 4525
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Thomas M. Markey, Deputy Associate Director, Department of Labor, Employment Standards Administration, Rm S3229, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7552**

RIN: 1215-AA13

1395. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY. . ." (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 12206) and was scheduled to become effective on 02/13/81. On 02/12/81 (41 FR 11912) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department has concluded that a more comprehensive review of these regulations is needed and has decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations. An ANPRM is expected to be published during September 1985.

Timetable:

Action	Date	FR Cite
Indefinite stay of Final Rule	02/12/81	46 FR 11972
Propsl to suspend Rule indefinitely	03/27/81	46 FR 18998
Comments due on Suspension Proposal	04/28/81	
ANPRM	10/00/85	

Small Entity: Yes

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8333**

RIN: 1215-AA14

1396. LONGSHOREMEN'S ACT: SECOND INJURY RELIEF; ANNUAL ASSESSMENTS (ESA/OWCP)

Legal Authority: 33 USC 901 et seq

CFR Citation: 20 CFR 702

Abstract: Revisions and additions are being considered to reflect and codify the Department's policies and procedures for handling second injury relief cases and to modify the procedures pertaining to the annual assessment of insurance carriers and self-insurers. Action is now being deferred in light of Congressional action on amendments to the Act; however, these amendments will require regulatory revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8890
NPRM Comment Period Begin	01/27/81	46 FR 8890
NPRM Comment Period End	03/30/81	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Neil Montone, Associate Director, Department of Labor, Employment Standards Administration, Rm C4315, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8572**

RIN: 1215-AA18

1397. RECORDS TO BE KEPT BY EMPLOYERS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 211(c)

CFR Citation: 29 CFR 516

Abstract: Revision of this regulation is being considered to reflect the repeal or modification of certain minimum wage and overtime exemptions by the 1974 and 1977 amendments to the Fair Labor Standards Act, and to simplify regulatory language.

Timetable:

Action	Date	FR Cite
End Review	12/31/84	
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	

Small Entity: No

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8333**

RIN: 1215-AA22

1398. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Significance: Regulatory Program

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.1 et seq

Abstract: This proposal would revise the Federal Employees' Compensation Act regulations to (1) increase the ability of employing agencies to monitor the Act's continuance of pay (COP) provisions; (2) reduce the period for using up the remainder of the 45-day COP eligibility when there is a recurrence of a disability subsequent to a first return to work from six months to 90 days from the date of return to work; (3) require partially disabled employees to report on their efforts to find work; (4) reduce the number of

internal body organs that are included in the list of schedule awards payable to employees who suffer a loss or loss of use of such organs; (5) make other modifications designed to provide consistent rationale for the payment of benefits; and (6) incorporate procedures for giving full due process in overpayment cases before recoupment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Thomas M. Markey, Deputy Associate Director, Department of Labor, Employment Standards Administration, Rm S3229, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7552

RIN: 1215-AA29

1399. LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

Significance: Regulatory Program

Legal Authority: 5 USC 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat 1263; 33 USC 939; 42 USC 1651 et seq; 36 DC Code 501 et seq; 43 USC 1331; 5 USC 8171 et seq; Secretary of Labor's Order No. 13-71, 36 FR 8755; PL 98-426

CFR Citation: 20 CFR 701; 20 CFR 702; 20 CFR 703

Abstract: The Longshore and Harbor Workers' Compensation Act Amendments of 1984 were passed and signed into law on September 28, 1984 (P.L. 98-426). These amendments made many substantive changes to the Longshore Act (33 USC 901 et seq.), which were effective on the date of enactment, or 90 days thereafter. These regulations implement the changes made by the amendments, and make technical corrections in the unchanged sections of the regulations. The changes include an exemption from the Act's coverage for specified classes of workers, a certification procedure for exemption from coverage of certain small-vessel facilities, provisions allowing the Secretary to debar medical care providers and representatives for certain reasons, and revisions in the assessment formula for the program's Special Fund (for second injury coverage). Because of the statutory deadlines imposed, these regulations were published as interim final rules on January 3, 1985 with a comment period which will close March 22, 1985. They will automatically expire October 1, 1985, thus necessitating republication before then.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/85	50 FR 384
Interim Final Rule Extended Comment Period 3/4/85 to	03/22/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Richard Staufenberger, Deputy Director, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S-3524, Washington, DC 20210, 202 523-7503

RIN: 1215-AA30

1400. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Legal Authority: 41 USC 38

CFR Citation: 41 CFR 50-201.101(b)(6); 41 CFR 50-201.1201

Abstract: The proposed rule would revise the role of the Small Business Administration (SBA) in determining a small business concern's eligibility as a "manufacturer" or "regular dealer" under the Walsh-Healey Public Contracts Act (PCA). Current procedures for small businesses require SBA review of all contracting agency findings of ineligibility, as well as all protests which challenge an agency's findings of eligibility. SBA did not have an opportunity to comment when the current rules were first adopted following enactment of the 1977 Amendments to the Small Business Act (P.L. 95-89, 91 Stat. 561 (15 USC 637(b)(7)(B)). SBA believes its review authority under the Act is restricted to only executive branch agency findings of noneligibility under PCA, and has requested revisions to the regulations which would eliminate SBA review in protest cases which challenge an agency's findings that a small business is eligible for award. Additional revisions requested by SBA would streamline the processing of cases between SBA and Wage Hour. (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: ABSTRACT CONT: b. An additional procedural change would discontinue the reporting requirement for federal contracting agencies to submit Standard Form (SF) 99, Notice of Award of Contract, to the Wage and Hour Division for contracts subject to the Walsh-Healey Public Contracts Act (PCA) if the agencies report such information directly to the Federal Procurement Data System (FPDS) or to Wage-Hour by alternative means, e.g., automated data process reports. A similar rule change was promulgated under the Service Contract Act (SCA) regulations (29 CFR 4.8) published October 27, 1983 (48 FR 49770). The reduced administrative burden for the affected procurement agencies resulting from the rule change under both SCA and PCA is expected to produce estimated annual cost savings governmentwide of nearly $410,000, the majority of which is attributable to PCA contract awards.

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Room S-3502, FP Building, Washington, DC 20210, 202 523-8333

RIN: 1215-AA33

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Existing Regulations Under Review

1401. WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Significance: Regulatory Program

Legal Authority: 29 USC 203(m); 29 USC 203(t)

CFR Citation: 29 CFR 531

Abstract: These regulations contain the basic standards governing the application of Section 3(m) of the FLSA, which provides that, under certain conditions, the reasonable cost or fair value of furnishing employees with board, lodging, or other facilities may be applied towards meeting the Act's minimum wage and overtime requirements. Section 3(m) also provides that tips received by certain employees may be credited towards the payments of the statutory minimum wage (up to a maximum of 40 percent). The changes under consideration would conform the regulations to legislative amendments, court decisions interpreting Section 3(m), and administrative experience related to enforcement of these provisions.

Timetable:

Action	Date	FR Cite
End Review	11/00/85	

Small Entity: Undetermined

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Room S3502, FP Bldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA32

1402. EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Significance: Regulatory Program

Legal Authority: 29 USC 214; 29 USC 211

CFR Citation: 29 CFR 525

Abstract: These regulations establish the terms and conditions under which handicapped clients in sheltered workshops performing work subject to the provisions of the Fair Labor Standards Act (FLSA), the Walsh-Healey Public Contracts Act, and the Service Contact Act may be employed, under certificate, at wage rates less than those otherwise required by these acts. The FLSA Amendments of 1966 substantially revised the provision of section 14(c) of the Act which authorizes such employment. The regulations have not been comprehensively revised since 1967 when they were revised to reflect the amendments. The Department has concluded, that it would be appropriate to review the regulations to determine whether changes are necessary to address the concerns of interested parties.

Timetable:

Action	Date	FR Cite
End Review	12/00/85	

Small Entity: Yes

Agency Contact: Dorothy P.Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA34

1403. LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM THE NATIONAL ENDOWMENT FOR THE ARTS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 20 USC 954 (i) and (j); 20 USC 956 (g)

CFR Citation: 29 CFR 505

Abstract: The National Foundation on the Arts and Humanities Act of 1965, as amended in 1976, requires the Secretary to determine the prevailing minimum compensation for professional performers and related or supporting personnel employed on projects or productions assisted by grants from the National Endowment for the Arts and the National Endowment for the Humanities. As originally enacted, these labor standards only applied to the Arts; the existing regulations do not reflect the amendments which applied the same labor standards to the Humanities. A review is planned to determine (1) whether the existing provisions for determining prevailing minimum wages with respect to grants from the National Endowment for the Arts should be continued, and (2) whether the same or some different approach to such determinations should be applied to grants from the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
End Review	12/00/85	

Small Entity: Undetermined

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Room S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA35

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Completed Actions

COMPLETED RULEMAKINGS

1404. LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT, (LHWCA) APPLICATIONS FOR AUTHORITY TO WRITE INSURANCE; HOW FILED; EVIDENCE TO BE SUBMITTED: OTHER REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; Reorganization Plan No 6 of 1950, 15 FR 3174, 64 Stat 1263; 33 USC 939; 42 USC 1651 et seq; 36 DC Code 501 et seq; 43 USC 1331; 5 USC 8171 et seq; Secretary of Labor's Order No. 13-71, 36 FR 8755

CFR Citation: 20 CFR 703.102

Abstract: The Longshore and Harbor Workers' Compensation Act (LHWCA) requires employers to provide coverage for their compensation liability either through becoming an authorized self-insurer or by procuring an insurance policy under the Act. In order to determine whether a carrier should be authorized by the Secretary, it is necessary to review certain administrative and financial information (such as State charter

status, insurance policy including LHWCA endorsement, annual reports, audit ratios, etc.) which will provide a rational basis for the decision. The existing regulations do not specify the full range of information which practice over the years has proved to be necessary. In addition, because the program lacks the expertise and staff to properly analyze the financial status of the insurance company, it has relied on Best's Insurance Reports and industry standard rating service. Up to now, companies which have Best's rating of B or better have been considered for authorization, although this standard was not part of the regulations. Market changes have undermined the stability of the insurance industry in general and several authorized (cont)

Timetable:

Action	Date	FR Cite
Withdrawn	09/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: carriers have become insolvent. In order to ensure the coverage of compensation liability under the Act, the Department will require newly authorized carriers to have an A or better Best's rating and the revision of the rule will reflect this policy. It will apply only to carriers applying for the authorization and not to carriers already authorized and writing insurance, to the extent of coverage already underwritten. A review of various methods of evaluating carriers' qualifications indicate that satisfactory alternatives may be developed without regulatory revisions.

Agency Contact: Richard Staufenberger, Deputy Director, Department of Labor, Employment Standards Administration, Room S-3524, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-7503

RIN: 1215-AA31

[FR Doc. 85-22694 Filed 10-28-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Current and Projected Rulemakings

1405. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 1552; PL 95-504

CFR Citation: 20 CFR 638

Abstract: These regulations are being developed to implement the benefit provisions contained in Section 43 of the Airline Deregulation Act. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Civil Aeronautics Board determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. However, further judicial action on other issues is likely before the Department can implement these regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/30/79	44 FR 19146
NPRM Comment Period End	04/30/79	
NPRM First right of hire	09/17/82	47 FR 41304
Comments due First right of hire NPRM	10/18/82	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Gene Biglin, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7426, PHBldg., 601 D St, NW, Washington, DC 20213, 202 376-7063

RIN: 1205-AA07

1406. LIMITATIONS ON TAX CREDIT REDUCTIONS AND INTEREST ON ADVANCES TO STATES

Significance: Regulatory Program

Legal Authority: PL 97-35, Sec 2406; PL 97-35, Sec 2407; PL 97-35, Sec 2408

CFR Citation: 20 CFR 608

Abstract: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: James Manning, Chief, Division of Actuarial Services, Department of Labor, Employment and Training Administration, Rm 7410, PH Bldg., 601 D St, NW, Washington, DC 20213, 202 376-7231

RIN: 1205-AA14

1407. FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970

Significance: Regulatory Program

Legal Authority: PL 91-573, Title II; PL 96-499; PL 96-364; PL 97-35; PL 98-21

CFR Citation: 20 CFR 615

Abstract: These regulations would be amended to implement various statutory amendments of 1981, 1982, and 1983 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to

certain interstate claimants and to individuals who fail to actively engage in seeking work or refuse to accept an offer of suitable work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Gene Biglin, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7426, PHBldg., 601 D St., NW, Washington, DC 20213, 202 376-7063

RIN: 1205-AA15

1408. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Abstract: These regulations would implement the 1981 and 1983 amendments to the Trade Act of 1974. The Trade Adjustment Assistance program provides adjustment assistance in the form of reemployment services, training, job search, relocation allowances, and cash benefits (adjustment assistance) to workers whose unemployment is linked to increased imports of foreign-made products. The amendments represent a fundamental shift in program emphasis from income maintenance to placement and employment services and benefits such as training, job search and relocation. The 1981 amendments are designed to assure that adjustment assistance and reemployment services are more appropriately targeted to trade impacted workers with emphasis placed on their return to work. The 1983 amendments extended the program to September 30, 1985. The 1984 amendments to the program are not included in these regulations but will be issued separately.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 9444
NPRM Comment Period Begin	03/04/83	48 FR 32837
NPRM Comment Period End	07/28/83	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Gene Biglin, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7426, PHBldg., 601 D St, NW, Washington, DC 20213, 202 376-7063

RIN: 1205-AA17

1409. UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Significance: Regulatory Program

Legal Authority: 5 USC 8508; 5 USC 8521 to 8525

CFR Citation: 20 CFR 614

Abstract: Section 201 of Public Law 97-362 (Miscellaneous Revenue Act of 1982) amends the eligibility requirements for unemployment compensation for ex-servicemembers. Proposed regulations are under development to implement these new requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Gene Biglin, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7426, PHBldg., 601 D Street, NW, Washington, DC 20213, 202 376-7063

RIN: 1205-AA26

1410. UNEMPLOYMENT INSURANCE QUALITY CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 501 et seq

CFR Citation: 20 CFR 602

Abstract: The Employment and Training Administration (ETA) is designing a quality control (QC) program for the State Employment Security Agency (SESA) Unemployment Insurance (UI) system. The Department's Fiscal Year (FY) 1985 Budget includes provision for a UI QC program. The establishment of a UI QC program is a major initiative to reduce administrative errors and claimant abuse in the UI system. The Secretary of Labor has directed that a review be conducted to determine the design of the UI assessment system that will be established. Until the completion of the review, it is not practical to establish new dates for regulatory action.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38083
ANPRM Comment Period Begin	09/26/84	49 FR 38083
ANPRM Comment Period End	10/26/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Carolyn Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 601 D Street NW, Rm 7112, Patrick Henry Building, Washington, DC 20213, 202 376-6636

RIN: 1205-AA28

1411. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: PL 98-459 Community Service Employment for Older Americans

CFR Citation: 20 CFR 674

Abstract: The regulations will revise and update the existing rules for the Senior Community Service Employment Programs. These changes will not create new cost nor materially change the existing program. However, the new rules will place the program in compliance with the 1984 Amendments to the Older Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period Begin	07/19/85	50 FR 29606
NPRM Comment Period End	08/19/85	
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
Final Action	10/00/85	

Small Entity: No

Agency Contact: Paul A. Mayrand, Director, Special Targeted Programs, Department of Labor, Employment and Training Administration, 601 D Street, NW, Room 6122, Patrick Henry Building, Washington, DC 20213, 202 376-6225

RIN: 1205-AA29

1412. ● PIECE RATE ADJUSTMENTS

Significance: Agency Priority

Legal Authority: 8 USC 214

CFR Citation: 20 CFR 655

Abstract: The regulation, as proposed, modifies the previous piece rate adjustment regulation published as a final rule on June 21, 1985, which was declared invalid by the U.S. District Court of Appeals on July 8, 1985. The new regulation is designed to cure the defects noted by the Court in the previous regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/00/86	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, 202 376-6228

RIN: 1205-AA30

1413. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: Deficit Reduction Act of 1984 Section 2671

CFR Citation: 20 CFR 635

Abstract: This regulation would implement provisions of the Deficit Reduction Act of 1984 amending the Trade Act of 1974. The legislation amends Section 233(a)(3), to enable workers to collect the extra 26 weeks of Trade Adjustment Assistance (TRA) beginning with the first week the worker enters training if the training has not been approved until after the last week of entitlement to basic TRA. It also amends Sections 237 and 238 of the Trade Act to increase the maximum job search allowance to $800 (from $600) and the maximum lump-sum relocation allowance to $800 (from $600).(Since the proposed rule is supplemental to proposed rule at 20 CFR Part 635, the actual date of issuance of this rule as a final rule is dependent upon publication as a final rule of the amendments to The Trade Act of 1974 in Title XXV of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

Timetable:

Action	Date	FR Cite
NPRM	04/15/85	50 FR 14720
NPRM Comment Period Begin	04/15/85	50 FR 14720
NPRM Comment Period End	05/15/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: Legislation i.e., effective upon enactment (July 18, 1984)

Agency Contact: Marvin M. Fooks, Director, Department of Labor, Employment and Training Administration, Patrick Henry Building, 601 D Street, NW, Room 6434, Washington, DC 20213, 202 376-2446

RIN: 1205-AA31

1414. IMPLEMENTATION OF THE DEFICIT REDUCTION ACT (P.L. 98-369) PROVISIONS FOR EXCHANGE OF INCOME AND ELIGIBILITY INFORMATION AMONG FEDERALLY-ASSISTED INCOME MAINTENANCE PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 98-369, Subtitle C

CFR Citation: 20 CFR 603

Abstract: P.L. 98-369 (The Deficit Reduction Act) contains provisions which establish an income and eligibility system for exchange of information among state agencies administering programs for AFDC, Medicaid, Food Stamps, SSI, UI and other Grants to states program under Titles I, X and XIV of the Social Security Act. The provisions relate to the use of social security numbers, utilization and exchange of information, reimbursement of costs, accounting systems and protection of data. The provisions for the income and eligibility system take effect for all agencies April 1, 1985, unless the state agency submits a plan of good faith effort requesting waiver of the requirement until September 30, 1986. An interdepartmental task force has been established to develop and publish regulations implementing the Deficit Reduction Act. Representatives from the Departments of Health and Human Services, Agriculture, Labor as well as OMB are serving on the Task Force. Plans are to publish each Department's regulations under a single statement of objective and scope.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10450
NPRM Comment Period Begin	03/14/85	50 FR 10450
NPRM Comment Period End	04/29/85	
Final Action	10/00/85	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Irene Lynn, Chief, St. Legislative Review/Guidance Group, Department of Labor, Employment and Training Administration, 601 D Street, NW, Room 7203, Washington, DC 20213, 202 736-7100

RIN: 1205-AA32

1415. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Significance: Regulatory Program

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Abstract: Physicians are currently on the Department's Schedule A precertification list if they are to be employed in a designated Health Manpower Shortage Area (HMSA) or an area which has an insufficient number of physicians as designated by the Public Health Service (PHS). The PHS has recommended removal of physicians from Schedule A, or in the alternative leave only those physicians on Schedule A that are to be employed

in the HMSA's. According to the PHS: (1) neither Congress nor the Department of Health and Human Services recognizes the existence of a national shortage of physicians; (2) alien physicians after they are certified do not go to the HMSA's or the area with an insufficient number of physicians, or if they do go to these areas they leave shortly after starting work. Thus, the labor certification program has not had a significant effect in alleviating the shortage of physicians in the HMSA's or in the areas with an insufficient number of physicians. Consequently, ETA proposes to remove all physicians from Schedule A.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	01/00/86	
Final Action Effective	02/00/86	

Small Entity: No

Affected Sectors: 60 HEALTH SERVICES; 82 EDUCATIONAL SERVICES

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Cert., Department of Labor, Employment and Training Administration, Patrick Henry Building, 601 D Street, NW, Room 8122, Washington, DC 20213, **202 376-6228**

RIN: 1205–AA33

1416. LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE AND LOGGING IN THE UNITED STATES

Legal Authority: 8 USC 214

CFR Citation: 20 CFR 655

Abstract: Current regulations state that when employers provide meals they may charge the worker no more than $4.00 per day. There are exceptions in cases where employers document costs exceeding $4.00 in support of higher meal charges. In such instances, a ceiling of $5.00 per day may be charged if approved by the RA. These charges were established in 1980, and do not reflect the higher costs for food that currently exist. ETA proposes to increase the amount employers can charge workers for three meals per day.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Cert., Department of Labor, Employment and Training Administration, Patrick Henry Building, 601 D Street, NW, Room 8122, Washington, DC 20213, **202 376-6228**

RIN: 1205–AA34

1417. ● USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 3304; 26 USC 3306; 42 USC 503; 42 USC 1103; 42 USC 1104; 42 USC 1321

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Abstract: This regulation sets out Reed Act requirements for States. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements P.L. 97-248 and updates existing material issued as manuals. Alternatives being considered include: (1) Issuing a regulation, another type of directive, or nothing; (2) Issuing particular rules for calculating Reed Act balances which reflect P.L. 97-248 restorations, Title XII advances, program income, and sales, other dispositions, and reduced usage of real and personal property, issuing alternative rules for calculating balances, or issuing no rules; (3) Issuing particular rules covering sales, other dispositions, and reduced usage of Reed Act property, issuing alternative property disposition rules, or issuing no rules. Issuing a regulation will benefit grantees by reducing the uncertainty as to the applicable rules. No significant additional costs will result.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	12/00/85	
Final Action	04/00/86	
Final Action Effective	06/00/86	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Affected Sectors: 94 ADMINISTRATION OF HUMAN RESOURCES PROGRAMS

Government Levels Affected: State, Federal

Agency Contact: Janice M. Sawyer, Chief, Ofc of Financial Control & Mgt System, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm. 5000, PHBldg., Washington, DC 20213, **202 376-6585**

RIN: 1205–AA43

1418. ● WORK INCENTIVE PROGRAMS FOR AID TO FAMILIES WITH DEPENDENT CHILDREN RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 29 CFR 56.17, (Revision); 29 CFR 56.18, (Revision); 29 CFR 56.19, (Revision); 29 CFR 56.86, (New)

Abstract: The regulation will provide Work Incentive Program grantees and contractors administrative appeal rights before the Office of Administrative Law Judges for the following: (1) an adjustment in payment; (2) termination of the contract or grant; (3) a final determination disapproving outstanding claims arising from terminations, disapproving unreimbursed costs, or rejecting the termination settlement proposal; (4) a final determination disallowing costs as a result of an audit; and (5) a final determination disallowing costs resulting from the closing out of the grant/contract. Currently, no such rights exist and a grantee/contractor's only appeal forum is Federal Court. Provision of these hearing rights should reduce the

workload of the Federal Court system and allow the Department of Labor to adjudicate the issues in a more informal setting with Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulations will also correct a perceived inequity since most Employment and Training Administration programs have administrative appeal rights.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	01/00/86	
Final Action	03/00/86	

Small Entity: No

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment and Training Administration decided that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges. Review by the Office of Administrative Law Judges provides for the adjudication of broader issues, such as fairness and equity, that are inappropriate for consideration by the Grant Officer.

Government Levels Affected: Local, State, Federal

Agency Contact: Linda D. Kontnier, Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 601 D Street, NW, PHBldg., Washington, DC 20213, 202 376-6630

RIN: 1205–AA45

1419. ● ADMINISTRATIVE PROCEDURE

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 601.9 (Revision)

Abstract: The regulation will provide States with administrative appeal/hearing rights before the Office of Administrative Law Judges for final determinations disallowing costs as a result of unemployment insurance economy and efficiency audits and audits of the Federal share of unemployment insurance benefits. Currently, no such hearing rights exist and if a State seeks review of the above action, the only appeal forum is the Federal Court. Provision of these hearing rights before the Office of Administrative Law Judge should reduce the workload of the Federal Court system and allow the Department of Labor to adjudicate the issues in a more informal setting with the Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulation will also correct what is perceived as an inequity, since most Employment and Training Administration programs have administrative appeal rights and there is no rationale for excepting unemployment insurance programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment and Training Administration decided that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges. Review by the Office of Administrative Law Judges provides for the adjudication of broader issues, such as fairness and equity, that are inappropriate for consideration by the Grant Officer.

Government Levels Affected: State, Federal

Agency Contact: Linda D. Kontnier, Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 601 D Street, NW, PHBldg., Washington, DC 20213, 202 376-6630

RIN: 1205–AA46

1420. ● AGRICULTURAL ADVERSE EFFECT WAGE RATES - METHODOLOGY FOR COMPUTING RATES FOR 1986

Legal Authority: 8 USC 214

CFR Citation: 20 CFR 655

Abstract: Propose new methodology for computing agricultural Adverse Effect Wage Rates (AEWRs) for 1986. Reestablish or expand scope of applicability.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period Begin	03/00/86	
NPRM Comment Period End	04/00/86	
Final Action	06/00/86	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, 202 376-6228

RIN: 1205–AA47

1421. ● LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: MONTANA ADVERSE EFFECT WAGE RATE

Legal Authority: 8 USC 214

CFR Citation: 20 CFR 655

Abstract: Propose to add Montana to the list of States in which annual adverse effect wage rates are established.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	01/00/86	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and

Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, **202 376-6228**

RIN: 1205-AA48

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Completed Actions

COMPLETED RULEMAKINGS

1422. PIECE RATE ADJUSTMENTS

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 214.2(h)(3)(i)

CFR Citation: 20 CFR 655

Abstract: The regulation retains in place a regulation protecting covered U.S. farmworkers from adverse effect of lower wages from the use of alien farmworkers. The rule informs covered U.S. agricultural employers of their duties under the temporary alien labor certification program, and reflects DOL's policy on this subject.

Timetable:

Action	Date	FR Cite
NPRM	12/10/84	49 FR 48061
NPRM Comment Period Begin	12/10/84	49 FR 48061
NPRM Comment Period End	01/09/85	
Final Action	06/21/85	50 FR 25705
Final Action Effective	07/22/85	50 FR 25705

Small Entity: No

Agency Contact: Thomas Bruening, Chief, Division of Labor Certification, Department of Labor, Employment and Training Administration, 601 D Street, NW, Room 8122, Patrick Henry Building, Washington, DC 20213, **202 376-6228**

RIN: 1205-AA30

1423. SINGLE UNIT CHARGE AGREEMENTS

Significance: Agency Priority

Legal Authority: 29 USC 1579(a); 29 USC 155(d)(c); PL 98-524, Sec 7

CFR Citation: 20 CFR 629.38(e)(2)

Abstract: The regulations implement a provision of the Carl D. Perkins Vocational Education Act that affects regulatory provisions of the Job Training Partnership Act. The new provision provides that payment will be allowed and costs may be charged to the "training" cost category in the case of youth for training packages purchased competitively under Section 141(d)(3) of JTPA if the training results in either placement in unsubsidized employment or the attainment of an outcome specified in Section 106(b)(2) of the Act, notwithstanding 20 CFR 629.38(e)(2)(III), which was modified by the new regulations. 20 CFR 629.38(e)(2) is amended to correspond to Section 7 of P.L. 98-524 by the new regulation.

Timetable:

Action	Date	FR Cite
Final Action	04/26/85	50 FR 16473
Final Action Effective	04/26/85	50 FR 16473

Small Entity: No

Affected Sectors: None

Government Levels Affected: State

Agency Contact: Robert N. Colombo, Director, Offc. of Empl. & Training Programs, Department of Labor, Employment and Training Administration, Patrick Henry Building, 601 D Street, NW, Room 6402, Washington, DC 20213, **202 376-6093**

RIN: 1205-AA35

[FR Doc. 85-22694 Filed 10-28-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)
Office of Pension and Welfare Benefits Programs (PWBP)

Current and Projected Rulemakings

1424. INDIVIDUAL BENEFIT REPORTING - RECORDKEEPING - MULTIPLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
Previous NPRM	02/09/79	44 FR 8294
NPRM	08/08/80	45 FR 52824
NPRM Comment Period End	10/08/80	
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74727
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm N4472, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8377**

RIN: 1210-AA02

1425. INDIVIDUAL BENEFIT REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
Previous NPRM	02/09/79	44 FR 8294
NPRM	08/01/80	45 FR 51231
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74728
NPRM Comment Period End	10/01/81	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm N4472 FPBldg., 200 Constitution Ave. NW, Washington, DC 20210, 202 523-8377

RIN: 1210-AA03

1426. PLAN ASSETS REGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: The remaining part of this regulation would clarify what investments constitute assets of an employee benefit plan under ERISA. The regulation had been targeted for review by the President's Task Force on Regulatory Relief. A final rule dealing with the housing portion of the regulation was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82.

Timetable:

Action	Date	FR Cite
Previous NPRM	08/28/79	44 FR 50363
Previous NPRM	06/01/80	45 FR 38084
NPRM	01/08/85	50 FR 961
NPRM Comment Period Begin	01/08/85	50 FR 961
NPRM Comment Period End	03/11/85	
Public Hearings were held 05/6/85, 05/7/85 and	05/08/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Shelby J. Hoover, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm C4508, FP Bldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8658

RIN: 1210-AA06

1427. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: The regulation would describe the kinds of plans referred to in Section 404(c) as participant directed individual account plans, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Shelby J. Hoover, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm C4508, FP Bldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-8658

RIN: 1210-AA08

1428. LOANS TO PARTICIPANTS

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: This rule describes the circumstances under which the exemption in section 408(b)(1) from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: William Flanagan, Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm C4508, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-9592

RIN: 1210-AA09

1429. EXEMPTION AND ALTERNATIVE METHOD OF COMPLIANCE FOR ANNUAL REPORTING OF CERTAIN ENTITIES

Significance: Regulatory Program

Legal Authority: 29 USC 1024; 29 USC 1030; 29 USC 1135

CFR Citation: 29 CFR 2520

Abstract: ERISA and the regulations issued thereunder, require the administrator of an employee benefit plan, unless otherwise exempt, to file annual reports relating to the financial status and activities of the plan. Among other things, the annual report is required to include statements and schedules concerning the assets of the plan and transactions involving those assets. This regulation will provide an alternative method of compliance with the annual reporting requirements for certain employee benefit plans which invest in entities, the underlying assets of which constitute plan assets under the Department's "Plan Assets" regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3362
NPRM Comment Period Begin	01/24/85	50 FR 3362
NPRM Comment Period End	03/25/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: George Holmes, Plan Benefit Specialist, Department of Labor, Office of Pension and Welfare Benefits Programs, 200 Constitution Ave., NW, Room N-4472 FP Bldg, Washington, DC 20210, 202 523-8515

RIN: 1210-AA14

1430. ADEQUATE CONSIDERATION

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: William Flanagan, Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, 200 Constitution Ave., NW, Room C-4508 FP Bldg, Washington, DC 20210, 202 523-9592

RIN: 1210-AA15

1431. DEFINITION OF PLAN ASSETS -- EMPLOYEE CONTRIBUTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: This regulation would describe when monies paid to, or withheld by, an employer as contributions to an employee benefit plan are considered "Plan Assets" for purposes of Title I of ERISA and certain related provisions of the Internal Revenue Code. Proposed regulations dealing with this matter were published by the Department on August 28, 1979, and June 6, 1980.

Timetable:

Action	Date	FR Cite
NPRM	08/28/79	44 FR 50363
NPRM Comment Period Begin	12/18/79	
NPRM Comment Period End	01/07/80	
Public Hearings	02/27/80	
NPRM	06/06/80	45 FR 38084
Final Action	10/00/85	

Small Entity: No

Additional Information: Subpart of RIN 1210-AA06 (Definition of Plan Assets) which will be handled separately.

Agency Contact: Rudolph Nuissl, Plan Benefit Specialist, Department of Labor, Office of Pension and Welfare Benefits Programs, 200 Constitution Ave., NW, Room C-4508 FP Bldg, Washington, DC 20210, 202 523-8671

RIN: 1210-AA16

1432. AMENDMENT OF SEVERANCE PAY REGULATION

Legal Authority: 29 USC 1135; 29 USC 1002(2)(B)(i)

CFR Citation: 29 CFR 2510.3-2(b)

Abstract: This regulation would amend the regulation defining severance pay plans at 29 CFR 2510.3-2(b) to clarify when a severance pay arrangement constitutes a pension plan for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Doris F. Jacobs, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4508, FPB, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9595

RIN: 1210-AA18

1433. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Jean Leahy, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4508, FPB, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9593

RIN: 1210-AA19

1434. PROCEDURES FOR ADMINISTRATIVE IMPOSITION OF CIVIL SANCTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1132 (i); 29 USC 1135

CFR Citation: 29 CFR 2570

Abstract: This procedural rule would implement Section 502(i) of ERISA which authorizes the Secretary of Labor to impose civil sanctions against parties in interest (as defined in ERISA Section 3(14)) who engage in prohibited transactions with welfare plans and nonqualified pension plans.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	03/00/86	

Small Entity: Undetermined

Agency Contact: Chester A. Hurwitz, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4503, FPB, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9594

RIN: 1210-AA20

1435. TOP HAT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	09/00/86	

Small Entity: Undetermined

Agency Contact: Jean Leahy, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4508, FPB, 200 Constitution Ave., Nw, Washington, DC 20210, **202 523-9593**

RIN: 1210-AA21

1436. THE PAYMENT OF TRUSTEES' LITIGATION EXPENSES

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2509

Abstract: This Interpretive Bulletin will provide guidance on circumstances in which it will be lawful under Title I of ERISA for employee benefit plans to pay the litigation expenses of plan fiduciaries as defined in ERISA Section 3(21). Such guidance will clarify a legal issue about which there has been considerable confusion.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Chester A. Hurwitz, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4508, FPB, 200 Constitution, Ave., NW, Washington, DC 20210, **202 523-9593**

RIN: 1210-AA22

DEPARTMENT OF LABOR (DOL)
Office of Pension and Welfare Benefits Programs (PWBP)

Existing Regulations Under Review

1437. PARTICIPATION OF SELF-REGULATORY ORGANIZATIONS IN THE PROHIBITED TRANSACTION EXEMPTION PROCESS

Significance: Regulatory Program

Legal Authority: 29 USC 1108 (a); Sec. 101 Reorganization Plan No. 4 of 1978

CFR Citation: Not yet determined

Abstract: The Department has solicited public comment concerning methods of enhancing private sector participation in the processing of exemptions from the prohibited transaction provisions of ERISA. Following an analysis of the comments received in response to the Department's solicitation, a determination will be made as to what future action is appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	11/15/84	
Solicitation of comments	12/10/84	49 FR 48111
Comment Period ends	02/08/85	
Development of Options	11/00/85	
End Review	12/00/85	

Small Entity: Undetermined

Agency Contact: Robert Doyle, Deputy Assistant Administrator, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4526, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-6958**

RIN: 1210-AA17

[FR Doc. 85-22694 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Current and Projected Rulemakings

1438. PATTERN OF VIOLATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Abstract: The Mine Act provides for issuance of withdrawal orders to mines having a pattern of serious violations until the mine is completely free of such violations. A 1980 proposed rule would have set criteria for determining if a "pattern of violations" exists. Commenters generally opposed the proposal stating that it was complex, too statistically oriented, and vague. In addition, since the proposal was published, the statutory concept of "significant and substantial violations" (S&S) has been redefined by the Federal Mine Safety and Health Review Commission. S&S violations are a critical element in the statutory provisions. For these reasons, MSHA has withdrawn the 1980 proposal and issued an ANPRM for public comment which outlines new procedures for implementing the statutory provision for pattern of violations.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/85	50 FR 5470
ANPRM Comment Period Begin	02/08/85	50 FR 5470
Withdrawal of 1980 ANPRM	02/08/85	
Extension of Comment Period to 5/10/85	04/05/85	50 FR 13617
ANPRM Comment Period End	04/09/85	
NPRM	11/00/85	

Small Entity: Yes

Additional Information: The proposed rule is expected to be published in November 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA04

1439. PROCEDURES FOR APPROVAL OF MINING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 7

Abstract: This would be a new Part. Under existing regulations, certain equipment must be approved by MSHA prior to use in underground mines. In lieu of MSHA testing, the proposal would permit manufacturers or

independent laboratories to test certain equipment prior to their issuance of the Agency's approval.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/83	48 FR 09475
Notice of Public Meetings	03/18/83	48 FR 11665
ANPRM Comment Period End	05/03/83	
NPRM	11/00/85	
Final Action	07/00/86	

Small Entity: Yes

Additional Information: On 03/04/83 MSHA published a notice in the Federal Register announcing the availability of a preproposal draft for Part 37. Public meetings were held in April 1983 and the comment period closed on 05/03/83.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA06

1440. REVIEW OF SELF-CONTAINED SELF RESCUE DEVICES (SCSR) STANDARDS APPLICABLE TO COAL MINING

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714

Abstract: The Self-Contained Self Rescue Devices (SCSR) Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period Begin	07/01/83	
ANPRM Comment Period End	08/30/83	

Next Action Undetermined

Small Entity: Yes

Additional Information: Public conferences were held during August 1983. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards Applicable to Coal) and has been separately identified in order to more easily distinguish timetables. The Agency is deferring rulemaking on this project until 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA08

1441. COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Abstract: The Electrical Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing Standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	09/00/85	
NPRM	08/00/86	

Small Entity: Yes

Additional Information: The ANPRM is expected to be published in September 1985. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards applicable to Coal) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA10

1442. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Abstract: The Ventilation Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	10/00/85	
NPRM	04/00/86	

Small Entity: Yes

Additional Information: The ANPRM is expected to be published during October 1985. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards applicable to Coal) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA11

1443. REVIEW OF HOISTING AND TRANSPORTATION OF PERSONS AND MATERIAL STANDARDS APPLICABLE TO COAL MINING

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1400

Abstract: The hoisting and transportation standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period Begin	07/01/83	

Action	Date	FR Cite
ANPRM Comment Period End	08/30/83	

Next Action Undetermined

Small Entity: Yes

Additional Information: Public conferences were held during August 1983. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards Applicable to Coal) and has been separately identified in order to more easily distinguish timetables. The Agency is deferring rulemaking on this project until 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA12

1444. UNDERGROUND COAL MINE ROOF CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.200

Abstract: The Roof Control Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	09/02/83	48 FR 40165
ANPRM Comment Period Begin	09/02/83	48 FR 40165
ANPRM Comment Period End	11/18/83	
NPRM	09/00/85	
Final Action	07/00/86	

Small Entity: Yes

Additional Information: The ANPRM was published September 2, 1983 (48 FR 40165). This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards applicable to Coal) and has been separately identified in order to more easily distinguish timetables. Public conferences were held October 25 and 27, 1983. The proposed rule is expected to be published in September 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA13

1445. REVIEW OF METAL AND NONMETAL ELECTRICITY STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.12; 30 CFR 56.12; 30 CFR 57.12

Abstract: The electricity standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period Begin	05/20/83	
ANPRM Comment Period End	07/19/83	
NPRM	10/00/85	

Small Entity: Yes

Additional Information: The proposed rule is expected to be published during October 1985. This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA14

1446. METAL AND NONMETAL GASSY MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.21

Abstract: The Gassy Mine Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	06/10/83	48 FR 27025
ANPRM Comment Period Begin	06/10/83	
ANPRM Comment Period End	08/09/83	
Extension of Comment Period to 09/09/83	08/12/83	48 FR 36789
NPRM	06/04/85	50 FR 23612
NPRM Comment Period Begin	06/04/85	50 FR 23612
Extension of Comment Period to 09/05/85	07/19/85	50 FR 29437
NPRM Comment Period End	08/05/85	
Final Action	04/00/86	

Small Entity: Yes

Additional Information: This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables. Public hearings will be held in November 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA15

1447. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Abstract: The Explosives Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and

update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/08/84	49 FR 19601
ANPRM Comment Period Begin	05/08/84	49 FR 19601
ANPRM Comment Period End	07/20/84	
NPRM	11/00/85	
Final Action	09/00/86	

Small Entity: Yes

Additional Information: The ANPRM was published on May 8, 1984. Public Conferences were held in June 1984. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards Applicable to Coal) and has been separately identified in order to more easily distinguish timetables. See also RIN 1219-AA23 for detailed requirements and timetables of Approval Schedules. The proposed rule is expected in November 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA16

1448. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.6; 30 CFR 56.6; 30 CFR 57.6

Abstract: The explosives standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
ANPRM Comment Period Begin	08/20/84	
ANPRM Comment Period End	10/19/84	
Extension of ANPRM Comment Period to	11/16/84	49 FR 37640
NPRM	11/00/85	

Small Entity: Yes

Additional Information: The ANPRM was published August 20, 1984 (49 FR 33087). This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables. A proposed rule is expected to be published in November 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA17

1449. REVIEW OF METAL AND NONMETAL LOADING, HAULING, AND DUMPING STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.9; 30 CFR 56.9; 30 CFR 57.9

Abstract: The Loading, Hauling and Dumping Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	04/22/83	48 FR 17513
ANPRM Comment Period Begin	04/22/83	
ANPRM Comment Period End	06/21/83	
NPRM	12/18/84	49 FR 49202
NPRM Comment Period Begin	12/18/84	49 FR 49202
Extension of time to comment to 03/22/85	01/25/85	50 FR 3681
NPRM Comment Period End	02/19/85	
Notice of Public Hearings	07/03/85	50 FR 27566
Final Action	03/00/86	

Small Entity: Yes

Additional Information: The proposed rule was published December 18, 1984, with comments due by February 19, 1985. On January 25, 1985, MSHA extended the comment period to March 22, 1985. This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables. Public hearings were held in August 1985. A final rule in expected in March 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA18

1450. SAFETY STANDARDS FOR MACHINERY AND EQUIPMENT AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.14; 30 CFR 56.14; 30 CFR 57.14

Abstract: The Machinery and Equipment Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	02/11/83	48 FR 6489
ANPRM Comment Period Begin	02/11/83	
ANPRM Comment Period End	04/15/83	
NPRM	03/06/84	49 FR 8375

Action	Date	FR Cite
NPRM Comment Period Begin	03/06/84	49 FR 8375
NPRM Comment Period End	05/07/84	
Notice of Public Hearings	05/21/84	
Final Action	09/00/85	

Small Entity: Yes

Additional Information: The proposed rule was published March 6, 1984. Public hearings were held in June 1984. The final rule is expected in September 1985. This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA19

1451. METAL AND NONMETAL AIR QUALITY STANDARD

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.5; 30 CFR 56.5; 30 CFR 57.5

Abstract: The Air Quality Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	07/06/83	48 FR 31171
ANPRM Comment Period Begin	07/06/83	
Extension of Comment Period to 10/06/83.	08/12/83	48 FR 36789
Extension of Comment Period to 11/07/83.	09/16/83	48 FR 41747
ANPRM Comment Period End	11/07/83	
NPRM	10/00/85	

Small Entity: Yes

Additional Information: The proposed rule is expected to be published in September 1985. This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA21

1452. METAL AND NONMETAL GROUND CONTROL STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.3; 30 CFR 56.3; 30 CFR 57.3

Abstract: The Ground Control standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	03/11/83	48 FR 10593
ANPRM Comment Period Begin	03/11/83	
ANPRM Comment Period End	05/11/83	
NPRM	03/06/84	49 FR 8368
NPRM Comment Period Begin	03/06/84	49 FR 8368
NPRM Comment Period End	05/07/84	
Notice of Public Hearings	05/21/84	
Final Action	09/00/85	

Small Entity: Yes

Additional Information: This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables. The proposed rule was published on March 6, 1984. Public hearings were held in June 1984. The final rule is expected in September 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA22

1453. REQUIREMENTS OF APPROVAL OF EXPLOSIVES AND SHEATHED EXPLOSIVE UNITS, WATER STEMMING BAGS, ELECTRIC DETONATORS AND BLASTING UNITS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 15; 30 CFR 16; 30 CFR 17; 30 CFR 25

Abstract: The explosives approval schedules are part of the overall coal review of high priority standards. The schedules in 30 CFR Parts 15, 16, 17, and 25 list requirements for approval of explosives, water stemming bags, electrical detonators, and blasting units, respectively.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period Begin	06/05/84	
ANPRM Comment Period End	08/10/84	
NPRM	10/00/85	

Small Entity: Yes

Additional Information: The ANPRM was published on June 5, 1984 and a public conference was held in Pittsburgh, PA on 7/11/84. The NPRM is expected in October 1985. This entry has been consolidated with RIN-AA16 (Explosives and Blasting in Underground Coal Mines) and will appear in future agendas under that listing.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm. 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA23

1454. MINE PLAN APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR Chapter I

Abstract: Members of the mining community have recommended a proposal which they believe would encourage more cooperative efforts in developing mine plans and provide for an equal appeal procedure for disputed matters. Specifically, the proposal would (1) establish time frames for MSHA and mine operator actions on mine plans, (2) specify that the agreed upon provisions would take effect immediately, (3) provide that citations be issued regarding plan provisions upon which the operator and District Manager cannot agree, (4) establish guidelines for the abatement of such citations and (5) provide for the review of these citations before the Federal Mine Safety and Health Review Commission. As an alternative to this proposal, MSHA could establish an intra-agency appeal panel to hear disputes. This panel would include MSHA personnel with expertise in the subject matter addressed by the plan provision in dispute. At this time MSHA has made no decisions concerning the merits of the AMC/BCOA proposal. However, the Agency recognizes that there might be some problems associated with the plan approval process. However, MSHA believes that comments from (cont)

Timetable:

Action	Date	FR Cite
Request for comments	03/22/85	50 FR 11644
ANPRM	02/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: all segments of the mining community will assist the Agency in evaluating the plan approval process. The preproposal draft is expected to be available for comment in February 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Std., Reg. & Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA26

1455. METAL AND NONMETAL RADIATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.5-37 to 5-47; 30 CFR 57.5-37 to 5.47

Abstract: MSHA is reviewing its existing metal and nonmetal radiation (radon daughters) standards. The Agency has identified specific issues with respect to possible regulatory action. An ANPRM was published in the Federal Register (01/29/85, 50 FR 4144) inviting public comments. The purpose of this review is to evaluate the adequacy of the existing standards in providing appropriate protection for miners exposed to radiation hazards in surface and underground operations.

Timetable:

Action	Date	FR Cite
Request for Comments	01/29/85	50 FR 4144
Extension of Comment Period to 6/3/85	03/22/85	50 FR 11638
ANPRM	11/00/85	

Small Entity: Yes

Additional Information: The preproposal is expected to be available in November 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Std., Reg., & Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA28

1456. UPDATING FEES ASSOCIATED WITH EQUIPMENT APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11 to 36

Abstract: The rulemaking would revise MSHA's existing system of charging fees for the testing, evaluation, and approval of products manufactured for use in mines. Most of the existing fees have not changed since 1965 and no longer reflect the cost to the government for providing the services involved. The rulemaking would establish a procedure for updating fees periodically to reflect the current cost of providing these services and would establish fees for services for which applicants currently are not charged.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	07/00/86	

Small Entity: Yes

Additional Information: The proposed rule is expected to be published in September 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Std., Reg., & Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA29

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Existing Regulations Under Review

1457. APPROVAL CRITERIA FOR DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: Section 508 of the Federal Mine Safety and Health Act of 1977; 30 USC 957

CFR Citation: 30 CFR 36

Abstract: The atmosphere of underground coal mines contains methane gas which can quickly accumulate in explosive concentrations. To protect against gas ignitions and mine explosions, the Federal Mine Safety and Health Act of 1977 requires that mining equipment be built in accordance with certain performance standards. To administer these requirements, MSHA has established a mining equipment approval system, including evaluation criteria. At present, approximately 88 underground coal mines are using about 1100 pieces of diesel equipment. Existing MSHA approval criteria do not, however, apply to this equipment. Existing MSHA regulations (30 CFR 36) apply only to diesel equipment for noncoal mines and tunnels. MSHA has encouraged coal mine operators to voluntarily use

diesel-powered equipment approved for noncoal mines. This effort has not been completely successful. Cost estimates have not been calculated. However, costs could arise from the purchase and maintenance of approved diesel equipment and for environmental controls. The major benefit would be increased productivity resulting from elimination of electric trailing cables, and increased (cont)

Timetable:

Action	Date	FR Cite
Agency Task Force Report Completed	06/15/85	
Decision for Need of Rulemaking	10/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: safety possible in areas such as materials handling when diesels are used to replace electric equipment.

ADDITIONAL INFORMATION: Regulations acknowledging the use of diesel-powered equipment in underground coal mines highlight issues regarding exposure limits for diesel fumes, raising potential policy issues regarding appropriate health standards.

Agency Contact: Patricia W. Silvey, Director, Office of Std., Reg., & Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA27

1458. ● APPROVAL CRITERIA FOR RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health (NIOSH) jointly approve respirators for use in hazardous atmospheres. Recent problems in field use of respirators suggest that the present laboratory tests for respirators may not accurately predict their effectiveness during actual use. In addition, new technology has been developed which cannot be accommodated by the existing regulations. In determining alternatives, MSHA will first reexamine its role in the joint approval process. Under the existing procedures, most of the respirators approved are for non-mining applications. Therefore, MSHA will reassess the extent of its role in the approval process. Another alternative would be to replace federal testing with private sector testing according to federal specifications. Benefits could include improved respirators for field use and a faster approval process. However, the private sector testing alternative could be expected to raise costs for manufacturers because of market prices for testing products.

Timetable:

Action	Date	FR Cite
Under Review Pending Joint Agency Decision	09/00/85	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-1910

RIN: 1219-AA30

[FR Doc. 85-22694 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF LABOR (DOL) Current and Projected Rulemakings

Office of the Assistant Secretary for Administration and Management (OASAM)

1459. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 29 USC 794; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4; 20 USC 1618; 15 USC 3151; 29 USC 1501 et seq

CFR Citation: 29 CFR 31

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 have been revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs with uniform administrative and enforcement procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: Draft regulations have been submitted to DOJ and EEOC for approval under E.O. 12250 and E.O. 12067, respectively. The Department is currently awaiting DOJ's final approval of the regulations. Upon receipt of the approval letter from the Assistant Attorney General, DOL will forward the regulations to the Office of Management and Budget for their review.

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: William J. Harris, Director, Office of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, Rm N4123, FP Bldg., 200 Constitution Ave., NW, Washington, DC 20210; 202 523-8927

RIN: 1291-AA02

1460. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF LABOR PROGRAMS

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 29 CFR 33

Abstract: Before the 1978 Amendments to Section 504 of the Rehabilitation Act of 1973, Congress had not held Federal Agencies to the same standard of accessibility to which recipients of Federal assistance were held. This proposed regulation would not require

DOL to take any action when it can demonstrate that taking such action would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. This regulation would require, however, that persons with handicaps, who are eligible for and who can achieve the purpose of a federally-conducted program or activity, be allowed access to that program or activity. Effective communication would also be required with applicants, participants, personnel, and members of the public that have impaired vision or hearing.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27298
NPRM Comment Period Begin	07/02/85	50 FR 27298
NPRM Comment Period End	08/16/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: Regulation was approved by EEOC 12/84 and has been submitted to DOJ for review under E.O. 12250.

Agency Contact: William J. Harris, Director, Office of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Rm N4123, FP Bldg., Washington, DC 20210, 202 523-8927

RIN: 1291-AA04

1461. ADMINISTRATIVE REQUIREMENTS GOVERNING ALL GRANTS AND AGREEMENTS BY WHICH DEPARTMENT OF LABOR AGENCIES AWARD FUNDS TO STATE AND LOCAL GOVERNMENTS, INDIAN AND NATIVE AMERICAN ENTITIES, ETC

Legal Authority: 5 USC 301; 29 USC 801 et seq; 29 USC 795; 30 USC 801 et seq; 29 USC 651 et seq; 42 USC 3011 et seq; 42 USC 501 et seq; 42 USC 1101 et seq; 42 USC 1321 et seq; 29 USC 49 et seq; OMB Circular No. A-102; OMB Circular No. A-110; PL 97-300; EO 12291

CFR Citation: 41 CFR 29 to 70

Abstract: Revise Department of Labor Regulations governing grants and agreements awarded by the Department of Labor.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: TITLE CONT: Public and Private Institutions of Higher Education and Hospitals, and other Quasi-Public and Private Nonprofit Organizations

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas Delaney, Dep. Dir., Dir of Procurement & Grant Mgmt., Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-9174

RIN: 1291-AA05

1462. DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) IMPLEMENTATION OF COMPETITION IN CONTRACTING ACT OF 1984 (CICA) (PUB. L. 98-369) INTO DOLAR

Significance: Agency Priority

Legal Authority: 5 USC 301; 29 USC 551; 40 USC 486(c); 41 USC 401; PL 98-369, Sec 2701; EO 12352; EO 12291

CFR Citation: 48 CFR 29

Abstract: Develop Department of Labor Acquisition Regulations to implement new regulations incorporated into the Federal Acquisition Regulation (FAR) mandated by the Competition in Contracting Act of 1984 (Pub. L. 98-369).

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Theodore Goldberg, Director, Office of Procurement & Grant Pol, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-9174

RIN: 1291-AA06

1463. IMPLEMENTATION OF THE SINGLE AUDIT ACT OF 1984

Legal Authority: 5 USC 301

CFR Citation: 29 CFR 96

Abstract: This rule would provide for independent audits on an organization-wide basis of financial operations of Federal grantees that are State or local governments or Indian tribal governments that receive Federal assistance as well as Universities, hospitals and non-profit organizations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/08/85	50 FR 32050
Interim Final Effective	08/08/85	50 FR 32050

Next Action Undetermined

Small Entity: No

Additional Information: Previous Action RIN 1292-AA01, Federal and Non-Federal Audit Requirements

Agency Contact: Thomas Delaney, Dep. Dir., Dir of Procurement & Grant Mgmt., Department of Labor, Office of the Assistant Secretary for Administration and Management, Rm. S1522, FP Bldg., 200 Constitution Avenue, NW, Washington, D.C. 20210, 202 523-9174

RIN: 1291-AA07

[FR Doc. 85-22694 Filed 10-28-85; 8:45 am]

BILLING CODE 4510-23-T

1464. OCCUPATIONAL EXPOSURES TO TOXIC SUBSTANCES IN LABORATORIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific exposure standards.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA00

1465. CARCINOGEN POLICY

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The validity of the scientific criteria set forth in the policy and the cost-effectiveness of the rule are being reexamined. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 01/19/81 (46 FR 4889). A proposal was published on 01/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 03/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 01/05/82 (47 FR 187) with comments due by 04/05/82. That document also proposed to stay the publication of the candidate and priority lists. The final stay was published on 01/04/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public comments received in response (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
Decision whether to proceed with a propose revision to the regulation	12/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: to the document published by the Office of Science and Technology Policy entitled, "Chemical Carcinogens, Review of the Science and its Associated Principles, May 1984". This document, which resulted from the combined efforts of senior scientists from several federal agencies, may affect OSHA's proposal to modify the Carcinogen Policy.

Government Levels Affected: Federal

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA01

1466. COTTON DUST

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1043

Abstract: This standard, issued in 1978, was challenged in the courts and has been stayed as it applies to certain industrial sectors. In addition, where the standard is in effect, there have been problems with the device that is used to measure cotton dust, control methods specified by the standard may not be cost-effective, and there is question about the demonstration of a significant risk of disease in some of the industry sectors covered by the standard. Data have been collected to determine how and to what extent the rule should be revised. Two ANPRMs have been published: 03/31/81 (46 FR 19501) and 02/09/82 (47 FR 5906). The second ANPRM modified and expanded the issues set forth in the first ANPRM. On 08/13/82 (47 FR 35255) OSHA proposed to stay enforcement of the current standard for knitting operations. A notice of final decision on the stay was published 02/04/83 (48 FR 5267). A proposal to revise the standard for cotton dust was published 06/10/83 (48 FR 26962). Public hearings were held during September/October 1983. On 02/23/84 (49 FR 6717) OSHA published an administrative stay on the effective date for implementation of the engineering and (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/31/81	46 FR 19501
ANPRM Comment Period End	05/15/81	
Second ANPRM	02/09/82	47 FR 5906
Second ANPRM Comment Period ended	03/26/82	
NPRM	06/10/83	48 FR 26962
NPRM Comment Period Begin	06/10/83	48 FR 26962
NPRM Comment Period End	08/26/83	
Final Action	10/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: work practices controls provisions pending completion of OSHA's review of the standard. OSHA is in the process of final decisionmaking on this standard.

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA02

1467. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA is reviewing the current standards and intends to propose revisions following its analysis of the standard and other comments and information received in response to the ANPRM published 05/14/82.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period Begin	05/14/82	
ANPRM Comment Period End	09/13/82	
NPRM	03/00/86	
Final Action	06/00/86	

Small Entity: Yes

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA05

1468. ETHYLENE DIBROMIDE (EDB)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period Begin	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	
Public Hearing Held	02/08/84	
Final Action	11/00/85	

Small Entity: Yes

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA06

1469. ● HAZARD COMMUNICATION

Significance: Agency Priority

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1200

Abstract: On May 24, 1985, the U.S. Court of Appeals for the Third Circuit directed the Secretary of Labor to reconsider application of the Hazard Communication standard and to extend the application of the standard to employers in industries other than manufacturing unless he can state reasons why such application would not be feasible. Because the public rulemaking record for the Hazard Communication standard developed prior to OSHA's promulgation of the rule on November 23, 1983 does not contain sufficient information on industries other than those in the manufacturing sector, OSHA will begin rulemaking action to determine whether extension of the standard to cover other industry sectors is feasible.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/86	

Small Entity: Yes

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA08

1470. LEAD - RECONSIDERATION OF WHOLE STANDARD

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1025

Abstract: The current standard for occupational exposure to lead was promulgated in 1978. It sets a PEL of 50 micrograms of lead per cubic meter of air (50 ug/m3), and requires the use of feasible engineering or workpractice controls. There are serious questions concerning significant risk, feasibility and cost-effectiveness of the standard in certain industries; therefore, OSHA has announced its intention to review and reconsider the regulation.

Timetable:

Action	Date	FR Cite
ANPRM	04/21/81	46 FR 22764
ANPRM Comment Period End	06/01/81	
NPRM	06/00/86	

Small Entity: Yes

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA11

1471. LEAD - COVERAGE OF THE STEVEDORING INDUSTRY

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1025

Abstract: Circumstances unique to the stevedoring industry may make the application of the OSHA Lead Standard, in its present form, inappropriate. Therefore, OSHA has proposed to exempt this industry or to administratively stay application of the entire standard to this industry while the Agency examines (1) whether the stevedoring industry should be subject to this, or any lead standard and (2) if the industry should be subject to a different lead standard, what form that standard should take. This action has been combined with RIN 1218-AA11 and publication of action on this item will occur at the time action is taken on item AA11.

Timetable:

Action	Date	FR Cite
NPRM	02/26/82	47 FR 8381
NPRM Comment Period End	03/29/82	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA13

1472. ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.20

Abstract: The regulation, promulgated in May, 1980 (45 FR 35212), requires employers to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances, and to assure access to these records by employees, designated employee representatives, and OSHA. OSHA has reviewed the regulation and has proposed certain modifications including revision of the definitions of "toxic substance" and "exposure records", changes in the scope and application of the regulation and additional trade secret protection provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/13/82	47 FR 30420
Public Hearing Held	07/13/82	
NPRM Comment Period End	09/21/82	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA15

1473. CONCRETE AND MASONRY CONSTRUCTION (CONCRETE, CONCRETE FORMS, AND SHORING)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926, Subpart Q

Abstract: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures of recent years indicate that revision of the existing standard applicable to such construction operations may be necessary.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	09/16/85	50 FR 37543
NPRM Comment Period Begin	09/16/85	50 FR 37543
NPRM Comment Period End	11/15/85	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA20

1474. GRAIN HANDLING FACILITIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1910

Abstract: Employees in grain handling facilities (grain elevators, processing plants, and mills) are exposed to safety hazards associated with fires and explosions. Enforcement personnel have met with difficulties in the application of existing OSHA general industry standards to control these major hazards. OSHA is now developing a proposed standard for grain handling facilities.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/80	45 FR 10732
ANPRM Comment Period End	03/24/80	
NPRM	01/06/84	49 FR 996
NPRM Comment Period End	06/08/84	49 FR 6923
Public Hearings held through 07/12/84	06/12/84	49 FR 6923
Final Action	12/00/85	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA22

1475. ASBESTOS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910.1001

Abstract: OSHA has announced its intention to revise this standard because data indicate that the present OSHA permissible exposure limit (PEL) may not adequately protect workers from asbestos-related diseases. The revision will include a change in the PEL and other appropriate modifications. On November 4, 1983, OSHA published an Emergency Temporary Standard (48 FR 51086) which immediately reduced the PEL to 0.5 fibers/cc. The ETS was challenged in the U.S. Court of Appeals for the 5th Circuit, and was stayed pending judicial review on 11/23/83. The review

was completed on 3/7/84. At that time the Appeals Court held the ETS to be invalid and ordered enforcement of the ETS permanently stayed. OSHA has published a proposal to revise the current standard on 04/10/84 (49 FR 4116). Public hearings were held in June 1984. OSHA is in the process of analyzing all of the information contained in the rulemaking record prior to making a decision regarding the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
Emergency Temporary Standard (ETS)	11/04/83	48 FR 51086
ETS stayed by Court Order	11/23/83	
NPRM	04/10/84	49 FR 4116
NPRM Comment Period Begin	04/10/84	49 FR 4116
NPRM Comment Period End	05/25/84	
Public Hearings Held	06/19/84	
Final Action	11/00/85	

Small Entity: Yes

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA26

1476. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be based on changes that are made to the respiratory protection regulations (29 CFR 1910.134). Proposals regarding revision of the methods of compliance policy will be made after OSHA has made decisions regarding revision of the respiratory protection regulations. Thus, no further regulatory action on this item is expected during the next six months.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	12/00/86	
Final Action	12/00/87	

Small Entity: Yes

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA28

1477. HAZARDOUS MATERIALS--FLAMMABLE AND COMPRESSED GASES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: The present Subpart H, Hazardous Materials, standard is out of date and in some respects is oriented towards public safety and property protection. OSHA has been petitioned to cover many other hazardous materials operations where presently it has no standards. It is the purpose of this revision to consolidate the existing standards for flammable and compressed gases by providing general requirements and specific requirements for selected gases which warrant special attention due to their hazards and uses within the industrial environment. The overall intended effect of the revision is to update and simplify the existing requirements while enhancing employee safety and health.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period Begin	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	
NPRM	04/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA31

1478. ELECTRICAL SAFETY - RELATED WORK PRACTICES (GENERAL INDUSTRY)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard which would establish a performance-oriented standard for electrical safety- related work practices to complement the existing electrical installation standards. The proposed standard includes requirements for work performed on or near exposed energized and deenergized parts of electric equipment and includes requirements for both the safe use of the electric as well as the use of personal protection devices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA32

1479. POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period Begin	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	
NPRM	01/22/85	50 FR 2890
NPRM Comment Period Begin	01/22/85	50 FR 2890
NPRM Comment Period End	03/25/85	
Reopening of NPRM Comment Period to 8/1/85	07/02/85	50 FR 27307
Final Action	03/00/86	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA33

1480. OIL AND GAS WELL DRILLING AND SERVICING

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru	08/10/84	49 FR 9913
Second NPRM	01/00/86	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA34

1481. EXCAVATIONS (EXCAVATIONS, TRENCHING, AND SHORING)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650 to 1926.653

Abstract: This rule prescribes and recommends the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA36

1482. FALL PROTECTION (CONSTRUCTION)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.500 to 1926.502

Abstract: The existing standard is being proposed for revision because it is poorly formatted, ambiguous, omits coverage of several areas needing fall protection and is misnamed. The standard has resulted in industry and trade confusion as well as compliance officer misapplication because of its present format and language.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA37

1483. UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.800

Abstract: The existing standards may be revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standard may be too restrictive. Additionally, some of the language is ambiguous.

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35774
NPRM Comment Period extended to	02/17/84	48 FR 56087
Public Hearing Held	03/13/84	
Limited Reopening of Proposed Rule Comment Period Ends 10/18/85	08/19/85	50 FR 33357
Final Action	03/00/86	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA38

1484. ELECTRICAL STANDARDS - CONSTRUCTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333 Sec 107

CFR Citation: 29 CFR 1926

Abstract: The current OSHA standard incorporates the old (1971) National Electrical Code by reference and is in need of updating. The agency is examining the rule in light of repeated criticisms that many details in the present standard either conflict with or limit the implementation of current construction practices.

Timetable:

Action	Date	FR Cite
NPRM	10/07/83	48 FR 45872
NPRM Comment Period extended to	12/31/83	48 FR 54652
Final Action	09/00/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA39

1485. SCAFFOLDS (CONSTRUCTION)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450 to 1926.452

Abstract: This standard is being proposed for revision to address several significant problem areas including (1) the maximum distance between the scaffold and the wall; (2) whether cross-bracing may be used in lieu of guardrails; and (3) whether cross-bracing may be used as guardrails.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA40

1486. SAFETY TESTING OR CERTIFICATION OF CERTAIN WORKPLACE EQUIPMENT AND MATERIALS (FORMERLY ENTITLED ACCREDITATION OF TESTING LABORATORIES)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1936; 29 CFR 1907; 29 CFR 1910; 29 CFR 1935

Abstract: This proposal addresses various requirements in the General Industry standards (Part 1910) for either "safety testing" of certain workplace equipment and materials or the use of equipment/materials "certified for safety." It would include many self-regulatory and standards-developing efforts in the private sector and use already existing systems (in private sector or Government) for (1) the accreditation of testing laboratories and third-party certification programs, and (2) the certification for safety of workplace equipment. New Part 1936 would affect only applicants seeking system recognition by OSHA. New Part 1935 would contain those test methods/procedures already specified in OSHA standards or adopted through 6(b) rulemaking. Amended Part 1910 would (1) clarify employer responsibilities, (2) require valid test results or certifications, and (3) provide uniformity in OSHA terminology for several already-existing requirements and definitions. The remainder of Part 1907 would be revoked.

Timetable:

Action	Date	FR Cite
ANPRM	01/04/83	48 FR 270
ANPRM Comment Period Begin	01/04/83	48 FR 7204
ANPRM Comment Period End	03/15/83	
NPRM	03/06/84	49 FR 8326
Informal Public Hearing	09/25/84	49 FR 28739
NPRM Comment Period Begin	11/30/84	49 FR 47049
NPRM Comment Period End	12/31/84	
Interim Final Rule	10/00/85	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg., 200 Constitution Ave., NW, Washington, D.C. 20210, **202 523-8061**

RIN: 1218-AA42

1487. CRANE OR DERRICK SUSPENDED PERSONNEL PLATFORMS (CONSTRUCTION)

Significance: Regulatory Program

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1926.550(g)

Abstract: The use of cranes and derricks to suspend personnel in platforms is a hazardous operation that is not currently covered by OSHA Construction Standards. OSHA has issued administrative instructions on this practice, but this alternative to rulemaking has not been successful. This NPRM has been developed to reduce the number of accidents, many of which involve multiple fatalities, that result from equipment inadequacies and failures or improper work practices. Data to determine the potential costs and benefits from this rulemaking are currently being collected by OSHA's Office of Regulatory Analysis.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6280
NPRM Comment Period End	08/10/84	49 FR 25248
Public Hearing Held	09/18/84	
NPRM	09/00/85	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 15 BUILDING CONSTRUCTION - GENERAL CONTRACTORS AND OPERATIVE BUILDERS; 16 CON-

STRUCTION OTHER THAN BUILDING CONSTRUCTION - GENERAL CONTRACTORS; 17 CONSTRUCTION - SPECIAL TRADE CONTRACTORS

Government Levels Affected: State, Federal

Analysis: Preliminary RIA 09/30/83; Draft RFA 09/30/83

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Ave. NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA45

1488. SCAFFOLDS AND SIMILAR WORK SURFACES (GENERAL INDUSTRY)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Existing standards for scaffolds and similar working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	03/00/87	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room No. N3605 FPBldg., 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202 523-8061

RIN: 1218–AA46

1489. BENZENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, Table Z-2; 29 CFR 1910.1028

Abstract: OSHA intends to initiate rulemaking action on benzene in response to the potential risks presented by occupational exposure to this chemical.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	09/00/86	

Small Entity: Yes

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave. N.W., Washington, DC 20210, 202 523-7075

RIN: 1218–AA47

1490. FALL PROTECTION SYSTEMS (GENERAL INDUSTRY)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently, requirements containing criteria for personal fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605 FP Building, 200 Constitution Ave., Washington, DC 20210, 202 523-8061

RIN: 1218–AA48

1491. ACCIDENT PREVENTION TAGS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Standards for accident prevention tags, contained in 29 CFR Part 1910; Subpart J. would be revised to update existing criteria, and to provide more flexibility by correcting problems associated with the specificity of some of the existing requirements. The proposed revision would also recognize the use of symbols or pictographs rather than only written legends, and would ensure that tags are designed and used properly to enhance their function in identifying hazards to employees.

Timetable:

Action	Date	FR Cite
NPRM	04/24/84	49 FR 17541
NPRM Comment Period Begin	04/24/84	49 FR 17542
NPRM Comment Period End	06/08/84	
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA49

1492. LADDERS AND SIMILAR CLIMBING DEVICES (GENERAL INDUSTRY)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Existing standards for ladders and similar climbing devices need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	03/00/86	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room No. N3605 FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA50

1493. CONFINED SPACE (GENERAL INDUSTRY)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However, current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605 FP Building, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA51

1494. LOGGING

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood is logging estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	03/00/87	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will be developed to incorporate public comment as appropriate.

Affected Sectors: 24 LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, Washington, DC 20210, 202 523-8061

RIN: 1218-AA52

1495. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (GENERAL INDUSTRY)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (New)

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy would cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Further, the proposed standard will respond to the concerns of organized labor who petitioned OSHA in 1979 and again in 1982 for regulatory action to protect employees and to the American National Standards Institute's petition for OSHA to adopt its consensus standard ANSI Z244.1-1982. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or industries that are causing most of the injuries. The potential cost and benefits cannot be assessed until a regulatory impact analysis is conducted.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/80	45 FR 41012
ANPRM Comment Period Begin	06/17/80	
ANPRM Comment Period End	09/15/80	
Preproposal Draft Submitted	07/00/83	
NPRM	12/00/85	
Final Action	10/00/86	

Small Entity: Yes

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, Washington, DC 20210, 202 523-8061

RIN: 1218-AA53

1496. MECHANICAL POWER PRESSES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.211, (Revision); 29 CFR 1910.217, (Revision)

Abstract: This regulatory action will remove an existing provision which prohibits Presence Sensing Device Initiation of Mechanical power presses, and will add provisions which will enable the Presence Sensing Device Initiation to be done safely. Presence Sensing Device Initiation has been identified as presenting potential increases in safety and productivity with an ergonomic advantage of less worker fatigue. A regulatory impact analysis is in progress.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12700
NPRM Comment Period Begin	03/29/85	50 FR 12700
NPRM Comment Period End	06/27/85	
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will

be developed to incorporate public comment as appropriate.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, Washington, DC 20210, 202 523-8061

RIN: 1218-AA54

1497. SAFETY AND HEALTH REGULATIONS FOR SHIPYARD

Significance: Regulatory Program

Legal Authority: 29 USC 655 (Occupational Safety and Health Act of 1970); 33 USC 941 (Longshoremen's and Harborworkers Compensation Act)

CFR Citation: 29 CFR 1915, (Recodification)

Abstract: The purpose of this action would be to place unrevised in Part 1915, all OSHA Part 1910 General Industry Standards that are not now located in Part 1915, but that relate to the work undertaken in shipyard employment, thereby creating a vertical standard.

The Action is essentially only bookkeeping, i.e., moving standards, unchanged from one location in the CFR to another -- from Part 1910 to Part 1915. It can therefore be done without a proposed rule, and will be published as a final rule. It will end the long standing confusion over the application of OSHA standards to this industry among employers, employees, and OSHA compliance staff.

As these are existing standards, there are no potential costs. This inclusion project will be coordinated with the project designed to revise Part 1915.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: Yes

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm. N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA55

1498. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Significance: Regulatory Program

Legal Authority: 29 USC 655 (Occupational Safety and Health Act of 1970); 33 USC 941 (Longshoremen's and Harborworkers Compensation Act)

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards to cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because so much of the current standard is out of date, compliance is minimal. These revised guidelines will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry.

No other alternative other than revision is contemplated. The current standard is too outdated to serve as a basis for increased consultation, training or education. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	01/00/87	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm. N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA56

1499. STAIRWAYS AND LADDERS (CONSTRUCTION)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.1050 to 1926.1051

Abstract: The use of stairways and ladders during construction can be extremely hazardous for employees. OSHA presently has regulations covering the construction, use, and maintenance of stairways and ladders, used on construction worksites. However, this NPRM has been developed to streamline those requirements and to reduce the number of accidents that result from insufficient fall protection provisions. Data to determine the potential costs and benefits from this rulemaking are currently being collected and analyzed by OSHA's Office of Regulatory Analysis.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.)

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N-3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA57

1500. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: Not yet determined

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is the used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA has evaluated the data received in

response to the advance notice and has concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA has referred MDA to OSHA for regulatory action. OSHA has 180 days to respond to EPA. OSHA plans to appoint a negotiated rulemaking advisory committee to consider development of a proposed standard for MDA. There is no current OSHA standard governing MDA exposure.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period Begin	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	
TSCA section 9(a) referral from EPA	07/05/85	50 FR 27674
Establishment of Advisory Committee	09/00/85	
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N3718, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA58

1501. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for employees working on or near facilities whose purpose is the generation and distribution of electricity.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Final Action	02/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm. N3605, FP Bldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA59

1502. REVISION OF RECORDKEEPING REQUIREMENTS FOR TESTS, INSPECTIONS, AND MAINTENANCE CHECKS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1926

Abstract: The purpose of this regulatory action is to revise 22 provisions in Parts 1910, 1915, and 1926 to allow employers to certify that regulatory requirements have been met instead of requiring employers to maintain extensive and burdensome records of the results and findings of various tests, inspections and maintenance checks required in the standards. OSHA is undertaking this action in compliance with the Paperwork Reduction Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA60

1503. PULP, PAPER AND PAPERBOARD MILLS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	01/00/87	

Small Entity: Undetermined

Affected Sectors: 26 PAPER AND ALLIED PRODUCTS

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N-3605, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA61

1504. FALL PROTECTION (SHIPYARD)

Significance: Regulatory Program

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1915.201 to .203, (Revision)

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	10/00/86	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standard

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA66

1505. SCAFFOLDS (SHIPYARD)

Significance: Regulatory Program

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1915.251 to .253, (Revision)

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	10/00/86	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standard

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA68

1506. ACCESS AND EGRESS (SHIPYARD)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.71 to .90, (Revision)

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	10/00/86	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standards

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA70

1507. PERSONAL PROTECTIVE EQUIPMENT (FACE, HEAD, AND EYE PROTECTION) (GENERAL INDUSTRY)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Existing standards for eye, face, and head protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, and head would be revised to reflect improved developments in these equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, and head hazards.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605 FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA71

1508. WELDING, CUTTING AND BRAZING (GENERAL INDUSTRY)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision of the present is needed at this time to bring the standard into line with the current state-of-the-art and updated consensus standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Affected Sectors: Multiple

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA72

1509. WELDING, CUTTING AND HEATING (SHIPYARD)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.51 to .54, (Revision)

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	10/00/86	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standards

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA73

1510. PERSONAL PROTECTIVE EQUIPMENT (SHIPYARD)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.151 to .159, (Revision)

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	10/00/86	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standards

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA74

1511. MARINE TERMINALS

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 941

CFR Citation: 29 CFR 1917, (Revision)

Abstract: OSHA intends to revise 1917.44(o) to include the servicing of single piece rim wheels. When the general industry rule for single piece rim wheels was issued (02/03/84), the Agency spoke of its desire to extend the same type of coverage to the maritime industry. The Agency has recently been petitioned by maritime labor and management groups to initiate this action.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605 FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA75

1512. COMPRESSED AIR (CONSTRUCTION)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.803

Abstract: The purpose of this action is to investigate the claims that the current decompression tables for tunneling are inadequate. If these claims are valid, OSHA would proceed to develop and implement a set of decompression tables which would be safer than the current tables in that the revised tables would be reasonably expected to produce a reduction in the incidence and severity of decompression sickness, especially dysbaric osteonecrosis.

Timetable:

Action	Date	FR Cite
Request for Comments and Information	04/22/85	50 FR 15756
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA76

1513. HAZARDOUS MATERIALS--FLAMMABLE AND COMBUSTIBLE LIQUIDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Standards for flammable and combustible liquids, contained in 29 CFR 1910, Subpart H, would be revised to update existing criteria and to provide more flexibility by correcting problems associated with the specificity of some of the existing requirements. The proposed revision would address current problem areas as liquid transfer, system leakage, and vapor recovery.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period Begin	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	
NPRM	01/00/86	

Small Entity: Undetermined

Additional Information: 1218-AA31 -- Hazardous Materials

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA77

1514. ● FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 00 CFR "Not yet determined"

Abstract: Information that has become available since 1971 indicates adverse health effects in humans and animals exposed to airborne formaldehyde at concentrations permitted by OSHA's present standard. In humans, formaldehyde causes reversible sensory irritation of the eyes, nose, and throat of some persons at concentrations of about 1 ppm. As concentration increases, the prevalence and severity of effects increase. A chronic study in animals suggests that formaldehyde may also pose a carcinogenic risk since a statistically significant excess risk of cancer occurred at 5.6 and 14.3 ppm,

and benign tumors and cytotoxic changes occurred at 2 ppm. This information indicates that the present OSHA standard for formaldehyde may need revision. In an April 17, 1985, Federal Register notice, OSHA announced its intention to initiate rulemaking on formaldehyde.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/85	50 FR 15179
ANPRM Comment Period Begin	04/17/85	50 FR 15179
ANPRM Comment Period End	08/15/85	
NPRM	10/00/85	
Final Action	10/00/86	

Small Entity: Undetermined

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA82

1515. ● SAFETY AND HEALTH REGULATIONS FOR SHIPYARD EMPLOYMENT

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1915.97, (Revision)

Abstract: When OSHA promulgated the Hazard Communication Standard (29 CFR 1910.1200), it placed a requirement upon the shipbuilding and ship repairing industries (SIC 37) to make Material Safety Data Sheets (MSDS) available to employees. Current OSHA regulations at 29 CFR 1915.97 already require similar but somewhat conflicting MSDS from these industries. This action would eliminate regulation duplication by deleting from 29 CFR 1915.97 the requirement for MSDS for shipbuilding and ship repairing leaving the Hazard Communication Standard requirement to stand alone. As this is deregulation, there are no potential costs. There will be a small savings.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	05/00/86	

Small Entity: Yes

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8063**

RIN: 1218-AA88

1516. ● EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES

Significance: Agency Priority

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1915

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Affected Sectors: 373 Ship and Boat Building and Repairing

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8063**

RIN: 1218-AA91

1517. ● HAZARD COMMUNICATION (TRADE SECRETS)

Significance: Agency Priority

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1200

Abstract: On May 24, 1985, the U.S. Court of Appeals for the Third Circuit directed the Secretary of Labor to reconsider the definition of "trade secret" in the Hazard Communication Standard, and to extend access to trade secrets to employees and collective bargaining agents. The purpose of this action is to respond to the Court's direction, and make appropriate modifications to the final rule. Potential costs of these modifications are not known yet, but will be assessed as the rule is developed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/85	
Final Action	03/00/86	
Final Action Effective	03/00/86	

Small Entity: Undetermined

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA93

DEPARTMENT OF LABOR (DOL) Existing Regulations Under Review

Occupational Safety and Health Administration (OSHA)

1518. MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS (CONSTRUCTION)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926, Subpart O

Abstract: This rule is being reviewed to determine if the rule should be continued without change, or should be amended or rescinded.

DOL—OSHA

Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
Begin Review	01/04/85	
End Review	12/00/85	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA63

1519. STEEL ERECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 333

CFR Citation: 29 CFR 1926.750 to .752, (Revision)

Abstract: This rule is being reviewed to determine if the rule should be continued without change, or should be amended or rescinded.

Timetable:

Action	Date	FR Cite
Begin Review	01/02/85	
End Review	12/00/85	

Small Entity: Yes

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA65

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

COMPLETED RULEMAKINGS

1520. FIELD SANITATION

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1928

Abstract: OSHA is considering amending 29 CFR 1928 (Standards for Agriculture) to require employers to provide sanitation facilities for agricultural employees working in the field. OSHA is taking this action in compliance with an order of the District Court for the District of Columbia and a negotiated settlement with the Migrant Legal Action Program which requires the Agency to make a good faith effort to complete a field sanitation standard or to publish a determination that no such standard is needed. On April 16, 1985, OSHA published notice of its determination that a federal field sanitation standard was not needed.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/83	48 FR 8495
ANPRM Comment Period Begin	03/01/83	
ANPRM Comment Period End	05/02/83	
NPRM	03/01/84	49 FR 7590
NPRM Comment Period Begin	03/01/84	49 FR 13714
NPRM Comment Period Extended	04/06/84	49 FR 13714
NPRM Comment Period End	04/27/84	
Public Hearings Held 05/23/84 to	06/28/84	
Final Action	04/16/85	50 FR 15086

Small Entity: Undetermined

Agency Contact: Edward J. Baier, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA44

[FR Doc. 85-22694 Filed 10-28-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Office of the Assistant Secretary for Veteran's Employment & Training (ASVET)

Current and Projected Rulemakings

1521. ANNUAL REPORT FROM FEDERAL CONTRACTORS

Significance: Regulatory Program

Legal Authority: 38 USC 2012(d)

CFR Citation: 41 CFR 61-250

Abstract: Implements requirements of 38 USC 2012(d) for an annual report from entities having contracts of $10,000 or more with Federal agencies or departments. Specifies that the report shall include the number of special disabled and Vietnam-era veterans in the contractor's work force by job category and hiring location, number of employees hired and of those hired, the number of special disabled and Vietnam-era veterans.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33360
ANPRM Comment Period Begin	08/19/85	50 FR 33360
ANPRM Comment Period End	09/18/85	
NPRM	12/00/85	
Final Action	03/00/86	

Small Entity: Undetermined

Agency Contact: Joseph C. Juarez, Dir., Ofc. of Veterans' Emp. & Trng Programs, Department of Labor, Office of the Assistant Secretary for Veteran's Employment & Training, Rm S1316, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9110

RIN: 1293-AA01

[FR Doc. 85-22694 Filed 10-28-85; 8:45 am]

BILLING CODE 4510-23-T

Federal Register

Tuesday
October 29, 1985

Part XIII

Department of State

Semiannual Regulatory Agenda

STATE

DEPARTMENT OF STATE

22 CFR Ch. I

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and OMB Bulletin 85-21, the October 1985 agenda of regulations of the Department of State is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. 96-354).

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, N.W., Washington, D.C. 20520, telephone (202) 632-2350.

DATED: September 5, 1985.

Ronald I. Spiers,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE) — Current and Projected Rulemakings

1522. FOREIGN MISSIONS ACT REGULATIONS

Significance: Regulatory Program

Legal Authority: 22 USC 4301 et seq; 22 USC 254(e)

CFR Citation: Not yet determined

Abstract: The Foreign Missions Act creates certain authorities for the Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organizations. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. Exercise of authority in the Diplomatic Relations Act, 22 USC 254(a) et seq., as amended by Title VI of P.L. 98-164, will have an impact on the acquisition of liability insurance coverage for the operation of motor vehicles, vessels, and aircraft by personnel of foreign missions, and could in certain situations, subject foreign missions to surcharges or fees. The regulations under consideration would provide procedures for exercise of these authorities. These regulations are at the stage of preliminary consideration. No timetable has been established other than that established in Title VI of P.L. 98-164.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: James E. Nolan, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, D.C. 20520, **202 632-3416**

RIN: 1400-AA04

1523. ● GUIDELINES FOR EXTRAORDINARY PROTECTION OF FOREIGN MISSIONS

Significance: Regulatory Program

Legal Authority: 22 USC 4314; PL 99-93, Sec 126

CFR Citation: 22 CFR Not yet determined

Abstract: In some cases where the Secretary of State has requested extraordinary protective services, such as fixed guardposts at a building or residence, or dedicated bodyguard protection for a foreign official who has been specifically threatened, some local authorities have either declined or been unable to provide such protection.

Through the Foreign Missions Act and the Foreign Missions Act Amendments of 1985, Congress has authorized the Secretary of State to provide, among other benefits, protective services to foreign missions. Thus, the Secretary may arrange with State and local authorities for extraordinary protection for foreign officials where necessary, either by request of local authorities or on the Secretary's initiative.

For fiscal year 1986, $2.6 million has been requested in addition to amounts for reimbursement to New York, a program previously administered by the Treasury Department.

Timetable:

Action	Date	FR Cite
Consultations with local law enforcement officials	01/01/86	
Consultations with relevant committees of congress	01/01/86	

Small Entity: Not Applicable

Additional Information: Draft guidelines have been discussed with representative groups of local law enforcement authorities.

The law requires prior consultation with the Congress on the guidelines.

Agency Contact: Sidney Teleford, Assistant Director for Protective Security, Department of State, Bureau of Diplomatic Security, Washington, DC 20520, **202 632-8740**

RIN: 1400-AA03

1524. ● IMPLEMENTATION OF 1980 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Significance: Regulatory Program

Legal Authority: None, until passage of treaty

CFR Citation: 22 CFR Not yet determined

Abstract: The 1980 Hague Convention provides for the prompt return of children habitually resident in one contracting State who have been wrongfully abducted to another, including wrongful retention by a non-custodial parent.

If the United States ratifies the Convention and Congress enacts the federal legislation, the Bureau of Consular Affairs will be tasked by executive order to serve as U.S. central authority (CA) under the Convention.

Thus it will receive applications for the return of children wrongfully abducted to or retained in the United States. In conjunction with cooperating authorities in the U.S. State where the child is believed to be located, the CA's task will include seeking to locate the child, facilitating the initiation of a court action to require the child's return, arranging for the provision of information about the child's circumstances in the country of its habitual residence, and arranging for the child's return transportation if return is ordered.

Timetable:

Action	Date	FR Cite
Transmission of the Convention from the President to the Senate	01/03/86	

Small Entity: Not Applicable

Agency Contact: Carmen A. DiPlacido, Dir., Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, 202 632-3444

RIN: 1400-AA05

[FR Doc. 85-22044 Filed 10-28-85; 8:45 am]

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Federal Register

Tuesday
October 29, 1985

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DOT

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 85-2]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department regulations agenda.

SUMMARY: The Regulations Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated, or for which action has been completed since the last Agenda. The Agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda are 400 Seventh Street, S.W., Washington, D.C. 20590, except for the Federal Aviation Administration which is located at 800 Independence Avenue, S.W., Washington, D.C. 20591; the U.S. Coast Guard, which is located at 2100 Second Street, S.W., Washington, D.C. 20593; and the Saint Lawrence Seaway Development Corporation, which is located at 400 Seventh Street, S.W., Box 44090, Washington, D.C. 20026-4090.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-4723.

Specific

For further information about any particular item on the Agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Supplementary Information:

- Background
- Regulatory Flexibility Act
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- Appendix D - Index of CAB Regulations with Their Corresponding New RIN Numbers

Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual Regulations Agenda for publication in the **Federal Register**. The Agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register**. The Department's last Agenda was published in the **Federal Register** on April 29, 1985 (50 FR 17472). The next one is scheduled for publication in the **Federal Register** in April 1986.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The heading "Small Entity" will indicate whether a Regulatory Flexibility Analysis is required by a "yes" or a "no." If a regulatory flexibility analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The Agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last Agenda. A "yes" or "no" will be found under the heading "small entity," for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

DOT

Definitions

The Agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the Federal Register; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that

(1) Is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Agenda

The format for this Agenda is required by Office of Management and Budget Bulletin No. 85-21 (July 15, 1985).

First, the Agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office the Agenda is divided into three categories: (1) current and projected rulemakings, (2) reviews of existing regulations, and (3) completed actions. These categories are further subdivided into significant and nonsignificant rulemakings (or regulations). For each entry, the Agenda provides the following information: (1) a short descriptive title; (2) the legal basis for the action being taken or the regulation being reviewed; (3) the related regulatory citation in the Code of Federal Regulations; (4) an abstract of the review or the proposed or final regulation; (5) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (6) a statement as to whether the Regulatory Flexibility Act applies because of the rulemaking's effect on small entities; (7) if there is information that does not fit in the other categories, it will be included under a separate heading, entitled "Additional Information"; (8) a listing of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the Agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation if a Regulatory Impact Analysis is not prepared); (9) an agency contact office or official who can provide further information, including advice on how how to obtain documents referenced in the Agenda; and (10) a "RIN" number assigned solely to identify an individual action in the Agenda.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget

for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to review existing regulations and revoke or revise those regulations that the initiating office determined were not achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word "Review" in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage may limit the number of reviews that can be added.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted the following additional procedures in the Agenda: (1) Items listed on the Agenda retain the same order in each semiannual publication. If subheadings are used within an initiating office's listing, then the same order is retained within each subheading. (2) New items generally are added at the end of the appropriate portion of the Agenda. A dot (●) preceding an entry indicates that the entry appears in its present section of the Agenda for the first time.

Civil Aeronautics Board

The Civil Aeronautics Board (CAB) ceased operations on December 31, 1984. Under the Federal Aviation Act, as amended, most of the continuing functions transferred to the Department of Transportation. As explicitly noted in the "Civil Aeronautics Board Sunset Act of 1984" (Pub. L. 98-443, October 4, 1984), most of the CAB rules and pending rulemakings were carried over to DOT intact.

ER-, EDR-, SPR-, SPDR-, and similar designations appearing in parentheses were the internal designations for final rules and proposed rules used by the Civil Aeronautics Board. NPRMs and final rules issued by the Department relating to aviation economic matters are referenced with the DOT internal designation system. Docket numbers, however, remain the same as assigned by the CAB if the proceeding was initiated by that agency.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semiannual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our Agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We would also like you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda to Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the

Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations list; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this Regulations Agenda in the Federal Register to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the Federal Register does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on September 16, 1985.

Elizabeth Hanford Dole,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), United States Coast Guard, 2100 Second Street, S.W., Washington, D.C. 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Federal Highway Administration (FHWA)

The FHWA maintains a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Persons may selectively choose to receive rulemaking materials in a number of separately identified program categories from the Code of Federal Regulations, Title 23. Those wishing to take advantage of the FHWA consumer mailing list may obtain additional information by writing to: Consumer Affairs Representative, Office of Public Affairs, Room 4208, Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the address specified below: (Name of contact person), Saint

Lawrence Seaway Development Corporation, 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mr. Roosevelt McKinley, Jr., Information Services Division, DMT-11, 400 7th Street, S.W., Washington, D.C. 20590.

Maritime Administration (MARAD)

Any one desiring a copy of a MARAD regulatory document referred to in the Agenda may request a copy of that document by contacting Mrs. Georgia Stamas, Secretary, Maritime Administration, 400 Seventh Street, S.W. (Room 7300), Washington, D.C. 20590, (202) 426-5746.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired. Persons requesting a rulemaking document on an aviation matter (of the kind formerly handled by the CAB) will be placed on a mailing list for all OST aviation related rulemakings.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Capt. Chris Holland, Marine Safety Council, USCG Headquarters Building, Room 4402, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: 202/426-1477.

FAA - John H. Cassidy, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915A, Washington, D.C. 20591. Telephone: 202/426-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street, S.W., Room 4223, Washington, D.C. 20590. Telephone: 202/426-0761.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8201, Washington, D.C. 20590. Telephone: 202/472-9042.

NHTSA - Steve Oesch, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telephone: 202/426-2992.

UMTA - Katherine Cowen, Office of Chief Counsel, 400 7th Street, S.W., Room 9228, Washington, D.C. 20590. Telephone: 202/426-4011.

SLSDC - Fredrick A. Bush, General Counsel's Office, 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090. Telephone: 202/426-3574.

RSPA - Kathy Sachen, Office of Chief Counsel, 400 7th Street, S.W., Room 8420, Washington, D.C. 20590. Telephone: 202/755-4972.

MARAD - Mrs. Georgia Stamas, Secretary, Maritime Administration, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590. Telephone: 202/426-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10424, Washington, D.C. 20590. Telephone: 202/426-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street, S.W., Room 4402, Washington, D.C. 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, S.W., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404), Washington, D.C. 20590. Working Hours: 7:45-4:15.

FRA - Docket Clerk, 400 7th Street, S.W., Room 8201, Washington, D.C. 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street, S.W., Room 5109, Washington, D.C. 20590. Working Hours: 8:00-4:00.

UMTA - Docket Clerk, 400 7th Street, S.W., Room 9223, Washington, D.C. 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, S.W., Room 7300, Washington, D.C. 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, S.W., Room 4107, Washington, D.C. 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Significant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1525	Allocation of "Slots" at Washington National Airport	2105-AA00
1526	Nondiscrimination on the Basis of Handicap (Mass Transit Programs)	2105-AA01
1527	Review: Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
1528	Public Availability of Information	2105-AA05
1529	Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
1530	Commercial Space Transportation: General Procedures Licensing Procedures, and Information Requirements	2105-AA25
1531	Commercial Space Transportation: Third-Party Liability Insurance for Commercial Space Launch Activities	2105-AA26
1532	Licensing of Commercial Launch Site Operations	2105-AA27

DOT

Office of the Secretary—Significant—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
1533	Review of Sample Size and Administration of the Airline Passenger Origin-Destination Survey	2105-AA30
1534	Review of the Form 41 Report of Financial and Operating Statistics for Large Certificated Air Carriers	2105-AA32
1535	Collection of Service Segment Data from Foreign Air Carriers	2105-AA33
1536	Liberalization of Air Carrier Charter Rules	2105-AA41
1537	Certificate Duration in Limited Entry Markets. Notice Requirements for Carriers Leaving Limited-Entry Markets During a Selection Case. Procedures and Criteria for Selecting Carriers	2105-AA49
1538	Alignment of Airline Uniform System of Accounts and Reports with Generally Accepted Accounting Principles	2105-AA52
1539	Requests for Confidential Treatment of Aviation Economics- Related Materials Filed with DOT	2105-AA62
1540	Streamline Airline Passenger Origin-Destination Survey Reporting	2105-AA71
1541	Smoking Aboard Aircraft; Notice to Passengers	2105-AA72
1542	Airline Interline Agreements	2105-AA85
1543	Sharing of Single Air Carrier Designator Codes	2105-AA90
1544	Confidentiality of Parts 241 and 298 Airline Reports	2105-AA95
1545	Consumer Protection for Default by Scheduled Air Carriers	2105-AA98
1546	Electronic Filing of Tariffs	2105-AB00

Office of the Secretary—Nonsignificant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1547	Title VI Civil Rights Regulation	2105-AA02
1548	Minority Business Enterprise Program (Direct Contracting)	2105-AA03
1549	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--State Transportation Agencies' EEO Affirmative Action Programs	2105-AA06
1550	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
1551	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
1552	Minority Business Enterprise Program (Financial Assistance Programs); counting credit for suppliers and other service providers	2105-AA20
1553	Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29
1554	Air Carrier Cargo Tariff Publications	2105-AA31
1555	Collection of Financial Information from the Commuter Air Carrier Industry	2105-AA34
1556	Airline Time and Mileage Guides	2105-AA39
1557	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
1558	Zones for Airline Mail Rates	2105-AA44
1559	Air Travelers: Age Discrimination	2105-AA45
1560	Policy Statement on Airline Preemption	2105-AA46
1561	Insurance for On-Demand Air Taxi Operators and Canadian Air Taxis	2105-AA47
1562	Revise Definition of Airline Revenue and Nonrevenue Passengers, and First Class and Coach Passengers	2105-AA53
1563	Reduce Air Carrier Service Segment Data Reports	2105-AA56
1564	Navigation of Foreign Civil Aircraft	2105-AA65
1565	Nondiscrimination in Federally-Assisted Aviation Economics Related Programs of DOT	2105-AA66
1566	Overseas Military Personnel Air Charter Tariffs	2105-AA67
1567	Effect of Expiration of a Bilateral on Foreign Air Carrier Authority	2105-AA68
1568	Joint Tariff Filing by Foreign Air Freight Forwarders	2105-AA69
1569	Unfair and Deceptive Practices by Airline Ticket Agents	2105-AA70
1570	Direct Flights	2105-AA73
1571	Require Specific Categories of Records and Retention Periods for Commuter Air Carriers Receiving Subsidy	2105-AA76
1572	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77
1573	Diversion of Flights Within a Metropolitan Area	2105-AA78
1574	Simplified Aviation Exemption Procedures	2105-AA82
1575	Filing Requirements for International Air Cargo Tariffs	2105-AA83
1576	Baggage Liability Notices in International Air Transportation	2105-AA84
1577	Essential Air Service Subsidy for the Freely Associated States	2105-AA86
1578	Currency-Related Adjustments for International Air Cargo Rates	2105-AA87
1579	Simplified Airline Countersign Notices	2105-AA88
1580	Policy Statement on Standard Foreign Fare Level for Air Carriers	2105-AA59
1581	Employment Discrimination Against Handicapped Persons by Air Carriers	2105-AA92
1582	Cargo Rate Changes on 30 Days Notice	2105-AA99
1583	Establishment of New Class Service Mail Rate for Bush Operations Within Alaska	2105-AB01

DOT

Office of the Secretary—Nonsignificant—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
1584	Update the Department of Transportation Acquisition Regulations to Implement the Competition in Contracting Act as Set Forth in the Federal Acquisition Regulations-Proposed Rules	2105-AB15
1585	Warranty Regulations for Major System Acquisitions of the United States Coast Guard - Proposed Rule	2105-AB16

Office of the Secretary—Significant—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1586	Comprehensive Review of CAB Consumer Rules	2105-AB03

Office of the Secretary—Significant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1587	Construction Differential Subsidy (CDS) Repayments; Total Repayment Policy	2105-AA15

Office of the Secretary—Nonsignificant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1588	Nondiscrimination on the Basis of Handicap by Airlines	2105-AA42
1589	Indirect Air Carriers-Group Contractor Exemptions	2105-AA48
1590	Revising the Definition of Commuter Air Carrier	2105-AA60
1591	Guidelines for Allocating Costs for Air Carriers Providing "Hold-In" Service Under Section 419	2105-AA80
1592	Department of Transportation Acquisition Regulation 48 CFR Chapter 12 - Final Rule	2105-AB02

Office of the Secretary—Significant Reviews—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1593	Implementation of CAB Antitrust Authority	2105-AA23

U.S. Coast Guard—Significant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1594	Workplace Safety and Health Requirements for Facilities on the Outer Continental Shelf (79-077)	2115-AA35
1595	Review: Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman Requirements (79-116)	2115-AA03
1596	Joint U.S.-Canada Vessel Traffic Management regulations for the Pacific region (79-131)	2115-AA39
1597	Licensing of Officers and Motorboat Operators and Registration of Staff Officers (81-059)	2115-AA64
1598	Suspension and Revocation Proceedings (82-002)	2115-AA76
1599	OSV Subchapter (82-004)	2115-AA77
1600	Subchapter "D" & "O" Barges - Internal Inspections (82-005)	2115-AA78
1601	Shipping Fairway System off the Coast of California (83-032)	2115-AB29
1602	Intervals for Drydocking and Tailshaft Examination on Inspected Vessels (84-024)	2115-AB58

DOT

U.S. Coast Guard—Significant—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
1603	Safety Rules for Vessels Engaged in Chemical Waste Incineration at Sea (84-025)	2115-AB60
1604	User Fees for Coast Guard Services (84-026)	2115-AB73
1605	Vessel Bridge-to-Bridge Radiotelephone Communications on the Great Lakes (84-040)	2115-AB89

U.S. Coast Guard—Nonsignificant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1606	VTS Houston-Galveston, TX (74-029)	2115-AA07
1607	Review: Fixed Fire Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
1608	Review: Stability Standards for Hopper Dredges (76-080)	2115-AA11
1609	Review: Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (77-069)	2115-AA00
1610	Requirement for First Purchaser List Kept by Boat Dealers (77-115)	2115-AA16
1611	Review: Miscellaneous Changes to 46 CFR 56 (77-140)	2115-AA17
1612	Reception Facilities (78-035)	2115-AA21
1613	Liquefied Natural Gas Waterfront Facility (78-038)	2115-AA22
1614	Review: Private Aids to Navigation and State Aids to Navigation (78-157)	2115-AA27
1615	Review: Aids to Navigation - General Interference with, Damages to and Charges for Aids to Navigation (78-159)	2115-AA28
1616	Approval of Inflatable Personal Flotation Devices (PFDs) (78-174)	2115-AA29
1617	Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (79-059)	2115-AA34
1618	Deepwater Port Liability Fund Requirements (79-158)	2115-AA41
1619	Modification to Line Throwing Device Requirements (79-160)	2115-AA42
1620	Launching Devices for Liferafts (79-168)	2115-AA45
1621	Inflatable Liferaft Stability (80-113)	2115-AA50
1622	Maneuvering Performance Regulations (80-136)	2115-AA53
1623	Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (80-159)	2115-AA01
1624	Servicing Inflatable Liferafts (81-010)	2115-AA57
1625	Personal Flotation Devices (81-023)	2115-AA58
1626	Automated Vital Systems (81-030)	2115-AA59
1627	General Bridge Permit Regulations (81-057)	2115-AA61
1628	Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-596)	2115-AB91
1629	Shipping Safety Fairway Amendments, Gulf of Mexico (81-080)	2115-AB57
1630	General Revision of 46 CFR 151, Barges Carrying Certain Bulk Dangerous Cargoes (81-082)	2115-AA70
1631	Tank Vessels Carrying Noxious Liquid Substances in Bulk; Pollution Prevention and Control, Equipment and Operational Requirements (81-101)	2115-AA73
1632	Fairways on the Southern Coast of Alaska (81-103)	2115-AA74
1633	Fees for Numbering of Undocumented Vessels (82-001)	2115-AA75
1634	Casualty Reporting Requirements for Recreational Boats (82-015)	2115-AA82
1635	General Revisions of Pollution Prevention Regulations for Tankers	2115-AA88
1636	Hand Held Flashlights. Independent Inspection Agencies (82-042)	2115-AA91
1637	Aids to Navigation on Outer Continental Shelf (82-054)	2115-AA92
1638	Natural Ventilation Regulations for Small Boats (82-056)	2115-AA94
1639	Update Bulk Liquefied Gas Tanker Requirements (82-058)	2115-AA95
1640	Visual Distress Signals-Strobe Lights (82-084)	2115-AB18
1641	Nautical Schools: Implementing the Maritime Educational Training Act of 1980 (82-092)	2115-AB21
1642	Documentation of Vessels; Controlling Interest (82-105)	2115-AB27
1643	Sailing School Vessel Regulations (83-005)	2115-AB32
1644	Revocation of Military Explosives Regulations (83-006)	2115-AB33
1645	Carriage and Use of Liquefied or Non-liquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35
1646	Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
1647	Independent Laboratory Inspection of Lifesaving Equipment (83-030)	2115-AB38
1648	Reassessment of Coast Guard Marine Engineering Regulations -- Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
1649	Compatibility of Cargoes (83-047)	2115-AB49
1650	Editorial Changes to Title 46 CFR Resulting from P.L. 98-89 (83-067)	2115-AB54
1651	Simplified Admeasurement (83-070)	2115-AB51
1652	Requirements for Mobile Offshore Drilling Units (83-071)	2115-AB56
1653	Mobile Offshore Drilling Unit Regulations Revision (83-071a)	2115-AB88
1654	Amendments to Bridge Lighting Requirements (84-022)	2115-AB62
1655	Documentation of Vessels, Hailing Port Markings (84-027)	2115-AB64

DOT

U.S. Coast Guard—Nonsignificant—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
1656	Marine Portable Tanks (84-043)	2115-AB69
1657	Ships' Stores and Supplies of Hazardous Materials (84-044)	2115-AB65
1658	Exception of Unmanned Barges from COLREGS Vertical Sector Light Requirements (84-049)	2115-AB90
1659	Oil-Water Interface Detectors (CGD 84-052)	2115-AB66
1660	Licensing of Pilots-Manning of Vessels-Pilots (84-060)	2115-AB67
1661	Personal Flotation Device Components (84-068)	2115-AB70
1662	Lifesaving Equipment--Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
1663	Accommodations, Rails and Guards (84-073)	2115-AB68
1664	Safety Rules for Ships Carrying Hazardous Liquids (84-085)	2115-AB92

U.S. Coast Guard—Nonsignificant: Routine and Frequent—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1665	Safety/Security Zone Regulations	2115-AA97
1666	Anchorage Area Regulations	2115-AA98
1667	Drawbridge Regulations	2115-AA99

U.S. Coast Guard—Nonsignificant—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1668	Regulatory Flexibility Act Reviews	2115-AB01
1669	Vessel Reporting Requirements	2115-AB28
1670	Logbook Entries, Cargo Vessels	2115-AB45
1671	Special Operating Requirements, Uninspected Vessels	2115-AB47

U.S. Coast Guard—Significant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1672	Review: Licensing of Pilots; Manning of Vessels--Pilots (77-084)	2115-AA04
1673	Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing on Existing Tank Vessels of 20,000 to 40,000 Deadweight Tons (82-028)	2115-AA05

U.S. Coast Guard—Nonsignificant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1674	Lifesaving Systems for Great Lakes Vessels (77-202)	2115-AA19
1675	Vessel Personnel Licensing and Certification Standards of Foreign Countries (79-081)	2115-AA36
1676	Safety Rules for Self-propelled Vessels Carrying Hazardous Liquids and Bulk Liquefied Gases (81-052)	2115-AA62
1677	Relocation of Boundary Lines (81-058)	2115-AA63
1678	Update of 46 CFR part 153 (81-078)	2115-AA66
1679	Acceptance of ASME Boilers with ASME S, E, A, and H stamps (81-079)	2115-AA67
1680	Casualty Reporting Requirements (82-069)	2115-AB30
1681	Extend Applicability of Certain Western Rivers Provisions of the Inland Navigation Rules to Other Waters (83-028)	2115-AB37
1682	Requirement for Federal Pilots on Foreign Trade Vessels Where a Pilot is not Required by State Law; State of Maine (83-044)	2115-AB48

DOT

U.S. Coast Guard—Nonsignificant—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1683	Cargoes of Particular Hazard (84-039)	2115-AB63
1684	River Service Dry Cargo Barges; Load Line Regulations (84-058)	2115-AB71

U.S. Coast Guard—Nonsignificant Reviews—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1685	Equipment for Lifeboats, Life Rafts, Lifefloats, and Buoyant Apparatus for Passenger Vessels	2115-AB42
1686	Oceanographic Research Vessels, Handling, Use and Control of Explosives and Other Dangerous Articles: Magazines	2115-AB43
1687	Annual Inspections, Passenger Vessels	2115-AB44
1688	General Lifesaving Requirements, Tank Vessels	2115-AB46
1689	Revisions to the Advance Notice of Arrival and Departure Regulations (83-048)	2115-AB50

Federal Aviation Administration—Significant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1690	Parts Manufacturer Approvals	2120-AA00
1691	Low-Altitude Wind Shear Equipment Requirements for Takeoff and Landing Operations of Transport Category Airplanes	2120-AA01
1692	Review: Update of Part 139	2120-AA10
1693	Use of Alcohol or Drugs; Submission to Alcohol Tests	2120-AA16
1694	Certification: Student Recreational, Recreational, Student Other Than Recreational and Private Pilots	2120-AA54
1695	Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems	2120-AA57
1696	High Density Airport Traffic Rule	2120-AA72
1697	Improved Seat Safety Standards	2120-AA88
1698	Metropolitan Washington Airports Policy	2120-AA89
1699	Expansion of CVR/FDR Equipment Requirements on U.S. Aircraft	2120-AA95
1700	Mode S Transponder	2120-AB03
1701	Airplane Cabin Fire Protection	2120-AB22
1702	Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins	2120-AB23
1703	Advanced V/STOL Rotorcraft Standards	2120-AB25
1704	Protective Breathing Equipment	2120-AB32
1705	Civil Helicopter Noise Certification	2120-AB33
1706	Slot Transfer Methods	2120-AB37
1707	Slot Allocation Alternative Methods	2120-AB38
1708	Proposed Department of Energy Prohibited Areas	2120-AB39
1709	Aviation Consumer Action Project Public Citizen Health Research Group, Petition to Amend Part 121 - Medical Equipment Requirements	2120-AB40
1710	Elimination of Airport Delays	2120-AB42
1711	Shoulder Harnesses in Normal, Utility, and Acrobatic Category Airplanes	2120-AB43
1712	Proposed Revision to Noise Certification Standards for Propeller Driven Small Airplanes	2120-AB47
1713	Charges for Use of Metropolitan Washington Airports	2120-AB48
1714	Proposed Limits on the Growth of Noise from Certain Airplanes and Airplane Types	2120-AB50
1715	Powered Ultralights: Airman Certification Requirements	2120-AB69
1716	Independent Power Source for Public Address System in Transport Category Airplanes	2120-AB77
1717	Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft	2120-AB88
1718	Transponder On	2120-AB94

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Federal Aviation Administration—Nonsignificant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1719	Review: Part 91 Notice	2120-AA07
1720	Review: Part 91 Review Lost Communications	2120-AA08
1721	Review: Objects Affecting Navigable Airspace	2120-AA09
1722	Pilot Oxygen Mask Requirements	2120-AA11
1723	Review: Metropolitan Washington Airports Regulations	2120-AA12
1724	Review: Revision of Part 91	2120-AA13
1725	Recording of Aircraft Titles and Security Documents - Notice of Lien	2120-AA14
1726	Cessna Finance Petition	2120-AA15
1727	Inoperative Instruments or Equipment	2120-AA19
1728	Parachute Jumping, Notice and Authorization Requirements	2120-AA21
1729	Terminal Control Area (TCA) New York (Modification)	2120-AA24
1730	Terminal Control Area (TCA) Las Vegas (Modification)	2120-AA25
1731	Flight Operations Control Systems	2120-AA26
1732	Review: Rotorcraft Regulatory Review Program Notice No. 3	2120-AA28
1733	Review: Rotorcraft Regulatory Review Program Notice No. 4	2120-AA29
1734	Review: Rotorcraft Review Notice No. 5-Operations and Maintenance	2120-AA30
1735	Foreign Air Carriers and Operators of Certain Large U.S.- Registered Airplanes	2120-AA42
1736	Standards for Approval of an Automatic Takeoff Thrust Control System	2120-AA46
1737	Special Review: Transport Category Airplane Airworthiness Standards	2120-AA47
1738	Implementation of SAFER Propulsion System Recommendations	2120-AA49
1739	FY-1982 Miscellaneous Amendments	2120-AA50
1740	Amend Part 23 to Include Empennage Fatigue Requirements	2120-AA58
1741	Regulation of Motor Vehicles Carrying Passengers for Hire at Washington National Airport	2120-AA62
1742	Airport Improvement Program	2120-AA73
1743	Noise Standards: Aircraft Type and Airworthiness Certification	2120-AA74
1744	FAR 23 Airworthiness Review	2120-AA75
1745	Revise Part 23 to Include Commuter Category Airplanes	2120-AA77
1746	Accelerated Ground Training - Flight Engineers' Skill Requirements	2120-AA79
1747	Instrument Flight Rule Requirements	2120-AA82
1748	Airplane Simulator Use in Airman Certification	2120-AA83
1749	Transport Rotorcraft Structural Fatigue and Damage Tolerance	2120-AA84
1750	Fire Protection Requirements for Cargo or Baggage Compartments	2120-AA90
1751	FAR 23.49(b) Stall Speeds for Single Engine and Multiengine Airplanes of 6,000 lbs. or less	2120-AA92
1752	Amendment of Sections 91.171, 91.172, and Appendices E and F of Part 43	2120-AA98
1753	National Airspace Review (NAR) Terminal Airspace Task Group Recommendations	2120-AB02
1754	General Aviation Safety Panel's Recommendations on Weather Minimums	2120-AB04
1755	Fatigue Limit Test (Propellers)	2120-AB05
1756	Electronic Fuel Controls	2120-AB06
1757	Turbo Prop Engine Propeller Brake Proposals	2120-AB07
1758	Standards for Approval of A Reduced V1 Methodology for Takeoff on Wet Runways and Flight Path Requirements for Engine Loss During Takeoff	2120-AB17
1759	Standards for Approval for High Altitude Operation of Subsonic Airplanes	2120-AB18
1760	Appendix G, Continuous Turbulence Criteria	2120-AB20
1761	Rebuilt Engine Maintenance Records	2120-AB29
1762	Occupant Restraint in Normal and Transport Category Rotorcraft	2120-AB35
1763	Transport Rotorcraft Performance	2120-AB36
1764	Type Certification Procedures - Special Class of Aircraft	2120-AB44
1765	Enforcement of Passenger Information Regulations	2120-AB45
1766	Low Fuel Quantity Indicators	2120-AB46
1767	Dealer's Aircraft Registration Certificate	2120-AB49
1768	Part 157 Review	2120-AB74
1769	Part 101 Review Program	2120-AB75
1770	Engine Fuel and Induction Systems	2120-AB76
1771	Aviation Insurance: Revision of Aircraft War Risk Insurance Regulation	2120-AB85
1772	Helicopter Minimum Flightcrew	2120-AB86
1773	Helicopter Instrument Flight	2120-AB87
1774	Expansion of Applicability of Section 43.17 to Include Any Country with Appropriate Bilateral Airworthiness Agreement, Including Maintenance	2120-AB89
1775	Revised One-Engine-Inoperative Ratings for Rotorcraft	2120-AB90
177[illegible]	Uncontained Turbine Burst Protection for Transport Category Helicopters	2120-AB91
177.	Anti-Blocking Device	2120-AB92
1778	Offshore Airspace Review	2120-AB93
1779	Airspace Reclassification	2120-AB95

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Federal Aviation Administration—Nonsignificant—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
1780	MCAS El Toro, Special Airport Traffic Area	2120-AB96

Federal Aviation Administration—Nonsignificant: Routine and Frequent—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1781	Part 95 Instrument Flight Rules	2120-AA63
1782	Airworthiness Directives	2120-AA64
1783	Standard Instrument Approach Procedures	2120-AA65
1784	Airspace Actions	2120-AA66

Federal Aviation Administration—Significant—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1785	Airmen Medical Standards	2120-AA70

Federal Aviation Administration—Nonsignificant—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1786	Terminal Control Areas (TCA's): Phoenix	2120-AA22
1787	Part 21--Certification Procedures for Products and Parts	2120-AB09
1788	Part 61--Certification: Pilots and Flight Instructors	2120-AB12
1789	Part 67--Medical Standards and Certification	2120-AB13
1790	Part 141--Pilot Schools	2120-AB14
1791	Part 121 -- Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27
1792	Part 135 -- Air Taxi Operators and Commercial Operators	2120-AB28

Federal Aviation Administration—Significant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1793	Aircraft Owners and Pilot Association - Duration of Airman Medical Certificates	2120-AA41
1794	Airplane Cabin Fire Protection	2120-AA87
1795	Flight Time, Duty Time and Rest Requirements	2120-AB08
1796	Anti-Misting Kerosene	2120-AB41

Federal Aviation Administration—Nonsignificant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1797	Temporary Flight Restrictions	2120-AA34
1798	Flight After Structural Failure	2120-AA48

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Federal Aviation Administration—Nonsignificant—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1799	Proposed Minimum Aeronautical Experience Requirements - Instrument Rating	2120-AA52
1800	SFAR 38-2--Certification and Operating Requirements	2120-AA78
1801	Use of X-Ray Systems	2120-AA96
1802	Mechanical Reliability Reports	2120-AA97
1803	Issuance and Renewal of Inspection Authorizations	2120-AA99
1804	Subpart F -- Equipment Airworthiness Regulations	2120-AB19
1805	Review of FAR 33.87(a)(7)	2120-AB24

Federal Aviation Administration—Nonsignificant Reviews—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1806	Airworthiness Standards: Propellers	2120-AB78
1807	Maintenance, Preventive Maintenance, Rebuilding and Alteration	2120-AB79
1808	Identification and Registration Marking	2120-AB80
1809	Parachute Jumping	2120-AB81
1810	Ground Instructors	2120-AB82
1811	Aviation Maintenance Technician Schools	2120-AB83
1812	Parachute Lofts	2120-AB84

Federal Highway Administration—Significant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1813	Truck Size and Weight; Trailer Lengths	2125-AB26
1814	Truck Size and Weight; Automobile Transporters	2125-AB42
1815	Parts and Accessories Necessary for Safe Operation	2125-AB45
1816	Federal Motor Carrier Safety Regulations: General	2125-AA34
1817	Review: Notification, Reporting and Recording of Accidents	2125-AA35
1818	Review: Disqualification of Drivers (Traffic Records)	2125-AA79
1819	Splash/Spray Suppressant Devices on Truck Tractors, Semitrailers and Trailers	2125-AA84
1820	Inspection, Repair, and Maintenance	2125-AB34
1821	Federal Motor Carrier Safety Regulations	2125-AB35
1822	Hours of Service	2125-AB39
1823	Truck Size and Weight; Interpretation and Policy Statement; Proposed Rulemaking	2125-AB28
1824	Truck Size and Weight; Lane Widths	2125-AB43
1825	Review: Outdoor Advertising Control and Acquisition	2125-AA04
1826	Review: Environmental Impact and Related Procedures	2125-AA05
1827	Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2125-AB10

Federal Highway Administration—Nonsignificant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1828	State Highway Agency Construction Contract Equal Opportunity Compliance Review Program Requirements	2125-AB08
1829	Use and Disposition of Property Previously Acquired By States For Withdrawn Interstate Segments	2125-AA11
1830	Review: Contract Procedures	2125-AA18
1831	Review: General Materials Requirements	2125-AA19
1832	Emergency Relief	2125-AA50
1833	Acceleration of Projects	2125-AA87
1834	Pavement Design Policy	2125-AA88
1835	Skid Accident Reduction Program	2125-AA90
1836	Mass Transit and Special Use Highway Projects	2125-AB01

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Federal Highway Administration—Nonsignificant—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
1837	Participation in Contract Claim Awards and Settlements	2125-AB02
1838	Highway Construction or Alteration Necessitated by Construction of Water Resources Development Projects	2125-AB04
1839	Erosion and Sediment Control on Highway Construction Projects	2125-AB05
1840	Navigational Clearances for Bridges	2125-AB07
1841	Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Report Requirements	2125-AB15
1842	Federal-Aid Program Approval and Project Authorization	2125-AB18
1843	Supportive Services for Disadvantaged and Women Business Enterprises	2125-AB19
1844	Required Contract Provisions	2125-AB20
1845	Contract Procedures; Advertising For Bids; Noncollusion Affidavit	2125-AB21
1846	Railroad-Highway Projects	2125-AB25
1847	Equal Employment Opportunity on Federal and Federal-aid Construction Contracts (Including Supportive Services)	2125-AB27
1848	Samples and Testing of Materials and Construction	2125-AB31
1849	Labor and Employment	2125-AB37
1850	Roadside Design Guide	2125-AB44
1851	Review: Compliance with Motor Carrier Noise Standards	2125-AA27
1852	Written Examination	2125-AA33
1853	Railroad Grade Crossings	2125-AA36
1854	Safety Fitness Determination	2125-AB46
1855	Transfer of Federal-Aid Highway Funds	2125-AA64
1856	Federal-Aid Highway Programs: State Internal Audit Responsibilities	2125-AB29
1857	Administration of Negotiated Contracts	2125-AB30
1858	Review: Highway Planning Program Administration	2125-AA10
1859	Review: Coordination of Federal and Federally Assisted Programs and Projects	2125-AA12
1860	Certification of Enforcement of Heavy Vehicle Use Tax	2125-AB36
1861	Review: The Acquisition Function	2125-AA23
1862	Review: Relocation Assistance	2125-AA81
1863	Public Hearings and Location Design Approval	2125-AB09
1864	Highway Beautification: Outdoor Advertising: Technical Amendment	2125-AB32

Federal Highway Administration—Nonsignificant: Routine and Frequent—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1865	Manual on Uniform Traffic Control Devices	2125-AA37
1866	Relocation Assistance-Moving Payments-Moving Expense Schedules	2125-AA38

Federal Highway Administration—Significant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1867	Review: Design Standards for Highways	2125-AA15

Federal Highway Administration—Nonsignificant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1868	Review: Civil Rights Requirements	2125-AA08
1869	Review: Accommodation of Utilities	2125-AA20
1870	Review: Utility Relocation, Adjustments and Reimbursement	2125-AA21
1871	Public Lands Highways	2125-AB23
1872	Ambient Temperature in Heavy Duty Truck Cabs	2125-AA26
1873	Citizen Band Radios on Buses	2125-AB33

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Federal Highway Administration—Nonsignificant—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1874	Public Transportation for Nonurbanized Areas; Rescission of Regulation	2125-AB40
1875	Methodology for Attributing Federal Highway Trust Fund Receipts to the States; Policy Statement	2125-AB41

Federal Highway Administration—Nonsignificant Reviews—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1876	Rear End Underride Protection	2125-AA58

National Highway Traffic Safety Administration—Significant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1877	National Minimum Drinking Age	2127-AB30
1878	Child Restraint Systems	2127-AB72
1879	Truck Rear Underride Protection	2127-AA43
1880	Pedestrian Protection	2127-AA45
1881	Heavy Trailer Stability	2127-AB42
1882	Anthropomorphic Test Dummies	2127-AB68
1883	Commercial Vehicle Conspicuity	2127-AA12
1884	Seat Belt Assemblies	2127-AA35
1885	Occupant Crash Protection - Test Procedures and other issues	2127-AB20
1886	Occupant Crash Protection - Response to Petitions for Reconsideration	2127-AB45
1887	Seat Belt Assembly Anchorages	2127-AB70
1888	Child Seating Systems	2127-AA80
1889	Post-1985 Passenger Car Fuel Economy Standards	2127-AB32
1890	MY 1987 Light Truck Fuel Economy Standards	2127-AB33
1891	My 1988 Light Truck Fuel Economy Standards	2127-AB69
1892	Theft Prevention Standard	2127-AB31
1893	Procedures for Selection of Covered Vehicles; Motor Vehicle Theft Law Enforcement Act of 1984	2127-AB73
1894	Anthropomorphic Test Dummies	2127-AA48
1895	Splash and Spray Suppression Devices	2127-AA97
1896	Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21

National Highway Traffic Safety Administration—Nonsignificant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1897	Flammability of School Bus Interior Materials	2127-AA44
1898	Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
1899	Controls and Displays	2127-AA06
1900	Windshield Defoggers	2127-AA91
1901	Brake Systems	2127-AA13
1902	Hydraulic and Air Brake Systems	2127-AA92
1903	Hydraulic Brake Systems	2127-AA94
1904	Brake Hoses	2127-AA90
1905	Brake Hoses	2127-AB74
1906	Lamps, Reflective Devices, and Associated Equipment	2127-AA16
1907	Lamps, Reflective Devices, and Associated Equipment	2127-AA18
1908	Lamps, Reflective Devices, and Associated Equipment	2127-AA19
1909	Lamps, Reflective Devices, and Associated Equipment	2127-AA77
1910	Lamps, Reflective Devices, and Associated Equipment	2127-AB35
1911	Lamps, Reflective Devices and Associated Equipment	2127-AB37

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National Highway Traffic Safety Administration—Nonsignificant—Current and Proiected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
1912	Lamps, Reflective Devices and Associated Equipment	2127-AB39
1913	Rear View Mirror Systems	2127-AA21
1914	Rear View Mirror Systems	2127-AA23
1915	Rear View Mirrors	2127-AA88
1916	Referee Brake Fluids	2127-AB09
1917	Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
1918	Air Brake Systems	2127-AA27
1919	Steering Control Rearward Displacement	2127-AA32
1920	Occupant Crash Protection	2127-AB71
1921	Seat Belt Assembly Anchorages	2127-AA95
1922	Motorcycle Helmets	2127-AA40
1923	Air Brake Systems	2127-AB12
1924	Highway Safety Standards	2127-AA96
1925	Incentive Grant Criteria for Alcohol Traffic Safety Programs--Amendment	2127-AB23
1926	National Driver Register	2127-AA98
1927	Vehicle Classification - Compact Vans/Station Wagons	2127-AA57
1928	Defect and Noncompliance Reports	2127-AB44
1929	Consumer Information--Stopping Distance	2127-AA50
1930	Consumer Information - Wet Stopping Distance	2127-AA56
1931	Crashworthiness Ratings	2127-AA03

National Highway Traffic Safety Administration—Significant—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1932	Child Seating Systems	2127-AA70
1933	Side Door Strength	2127-AA59
1934	Uniform Tire Quality Grading	2127-AA52

National Highway Traffic Safety Administration—Nonsignificant—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1935	Lamps, Reflective Devices, and Associated Equipment	2127-AA60
1936	Occupant Protection In Interior Impact	2127-AB16
1937	Windshield Glazing Materials	2127-AA73
1938	Seating Systems	2127-AA69
1939	Windshield Mounting	2127-AA74
1940	School Bus Seating System	2127-AA65
1941	Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AB43
1942	Voluntary Tire Registration	2127-AB18

National Highway Traffic Safety Administration—Significant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1943	Child Restraint Tether Anchorages	2127-AA39
1944	Child Restraint Systems	2127-AB41

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National Highway Traffic Safety Administration—Nonsignificant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1945	Lamps, Reflective Devices, and Associated Equipment	2127-AA17
1946	Lamps, Reflective Devices and Associated Equipment	2127-AB40
1947	New Pneumatic Tires for Motor Vehicles Other Than Passenger Cars and Tire Identification and Recordkeeping	2127-AB34
1948	Door Locks and Door Retention Components	2127-AB13
1949	Tire Identification and Recordkeeping	2127-AB36
1950	Highway Safety Programs; Assessment and Status	2127-AB19

National Highway Traffic Safety Administration—Nonsignificant Reviews—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1951	Head Restraints	2127-AA58

Federal Railroad Administration—Significant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1952	Special Safety Inquiry; Rail-Highway Grade Crossing Safety	2130-AA27

Federal Railroad Administration—Nonsignificant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1953	Safety Standards for Cabooses	2130-AA01
1954	Amendments to Regulations Implementing Section 905 of the 4R Act	2130-AA04
1955	Rules of Practice	2130-AA07
1956	Special Safety Inquiry; Railroad Power Brakes	2130-AA28
1957	Review of Locomotive Cab Safety	2130-AA32
1958	Review of Radio Communication	2130-AA34
1959	Rear End Device-Passenger Commuter and Freight Trains	2130-AA39

Federal Railroad Administration—Nonsignificant—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
1960	Regulatory Flexibility Act Reviews	2130-AA10
1961	Special Safety Inquiry; Power Brake Regulations	2130-AA40

Federal Railroad Administration—Significant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1962	Alcohol and Drugs	2130-AA18

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Federal Railroad Administration—Nonsignificant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1963	Special Safety Inquiry; Rail Passenger Equipment	2130-AA25
1964	Railroad Locomotive Safety Standards	2130-AA29
1965	Railroad Operating Rules	2130-AA30
1966	Freight Car Safety Standards	2130-AA31

Federal Railroad Administration—Nonsignificant Reviews—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1967	Special Safety Inquiry	2130-AA06

Urban Mass Transportation Administration—Significant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1968	Implementation of Section 19 of the Urban Mass Transportation Act of 1964 as Amended -- Nondiscrimination	2132-AA01
1969	Environmental Impact and Related Procedures	2132-AA03
1970	Charter Bus Regulations	2132-AA04
1971	"Buy America" Requirements of the Surface Transportation Assistance Act of 1982	2132-AA15
1972	Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19
1973	Private Enterprise Participation	2132-AA20
1974	Major Capital Investment Projects	2132-AA22
1975	Extension of Safety Requirements to all Federally Assisted Buses	2132-AA24
1976	Maintenance of Equipment and Facilities	2132-AA26

Urban Mass Transportation Administration—Nonsignificant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1977	Innovative Techniques and Methods	2132-AA05
1978	Miscellaneous Amendments - Organization, Functions, and Procedures	2132-AA06
1979	Technology Introduction	2132-AA07
1980	School Bus Operations	2132-AA09
1981	Section 15 Reporting Requirements for Section 9 Apportionment Grants; Penalty Procedures for Non-compliance	2132-AA23

Research and Special Programs Administration—Significant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1982	Review: Performance-Oriented Packaging Standards	2137-AA01
1983	Specification and Use Requirements for MC 306, MC 307, and MC 312 Cargo Tanks (Including Proj. 301-83 and Incorporates Docket HM 183)	2137-AA42
1984	Data Collection and Reporting: Hazardous Materials Incident Reports	2137-AA51
1985	Add to 49 CFR 195.2 Definitions a Definition of "gathering line"	2137-AA60
1986	Reportable Quantities of Hazardous Substances	2137-AA68

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Research and Special Programs Administration—Nonsignificant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1987	Definition of a Flammable Solid	2137-AA05
1988	Review: Revision of Operating Procedures for Motor Vehicles	2137-AA07
1989	Use of Interested Inspectors for Cylinder Inspections	2137-AA08
1990	Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel	2137-AA10
1991	Oxidizing Materials Definition, Criteria and Proposed Regulations	2137-AA11
1992	Interior Piping	2137-AA21
1993	Miscellaneous Hazardous Materials Communications Regulations	2137-AA25
1994	Radiation Level Specifications	2137-AA27
1995	Private Carriers Licensed to Use Radioactive Materials	2137-AA28
1996	Specification Packages of Type B and Fissile Radioactive Materials	2137-AA29
1997	Quality Assurance for Radioactive Materials Shippers	2137-AA30
1998	DOT Specification 51 Portable Tanks	2137-AA36
1999	Monitoring External Corrosion Control	2137-AA38
2000	Steel Pipe	2137-AA40
2001	Records for Hydrostatic Testing, Operation and Maintenance and Accident Reporting	2137-AA58
2002	Nondestructive Testing of Girth Welds	2137-AA59
2003	Confirmation or Revision of Maximum Operating Pressure for Certain Changes in Class Location	2137-AA62
2004	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63
2005	Revision of the IM Tank Table	2137-AA64
2006	Cylinder Retester Identification Numbers	2137-AA65
2007	Clarification of Welding Requirements for Gas Pipelines	2137-AA69
2008	Damage Prevention Program for Gas Pipelines (Docket No. PS-59)	2137-AA71
2009	Modifications to DOT Specification 21PF-1 Overpacks	2137-AA72
2010	Rewrite and Recodification of Section 173.34	2137-AA73
2011	Marking Owner's Symbols on Compressed Gas Cylinders	2137-AA74
2012	Reclassification of Special Fireworks	2137-AA78
2013	Cargo Tanks Used in Atmospheric Gas and Helium, Cryogenic Liquid Service Docket HM-11A	2137-AA84
2014	Limitation Aboard Aircraft	2137-AA85
2015	Required Use of Emergency Response Guidebooks and Material Safety Data Sheets	2137-AA88
2016	Odorization of Liquefied Petroleum Gas (LPG)	2137-AA89
2017	Bulk Packagings and Miscellaneous Rule Changes	2137-AA90
2018	Incorporation by Reference, Updating Steel Line Pipe Specifications (Docket No. P-26)	2137-AA94

Research and Special Programs Administration—Nonsignificant: Routine and Frequent—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2019	Conversion of Individual Exemptions to Regulations of General Applicability	2137-AA43
2020	Minor Regulatory Adjustments to Regulations of General Applicability	2137-AA44
2021	Matter Incorporated by Reference (Hazardous Materials)	2137-AA45

Research and Special Programs Administration—Significant—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
2022	Recodification of Explosive Regulations	2137-AA93

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Research and Special Programs Administration—Nonsignificant—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
2023	Consolidation of Specifications for High Pressure Seamless Cylinders	2137-AA92

Research and Special Programs Administration—Significant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2024	Packaging and Placarding Requirements for Liquids Toxic by Inhalation	2137-AA76
2025	Transportation of Hazardous Materials between Canada and the United States	2137-AA87

Research and Special Programs Administration—Nonsignificant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2026	Placarding of Empty Tank Cars	2137-AA35
2027	Reclassification of Cordeau Detonant Fuse	2137-AA54
2028	Intrastate Liquid Pipelines	2137-AA60
2029	Ovality of Field Bends in Steel Pipe	2137-AA70
2030	Tritium and Carbon-14; Low Specific Activity Radioactive Materials Transported for Disposal	2137-AA75
2031	Exceptions for Specified Quantities of Radioactive Materials	2137-AA77
2032	Designation of Testing Laboratories; United Nations Packagings	2137-AA80
2033	Hazardous Materials; Editorial Corrections and Clarifications	2137-AA86
2034	Magnetized Material	2137-AA91

Maritime Administration—Significant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2035	Cargo Preference-U.S. Flag Vessels-Determination of Fair and Reasonable Rates for Liner Vessels	2133-AA02
2036	Elimination of Restrictions on Non-Subsidized Voyages by Subsidized Liner Companies	2133-AA18
2037	Vessel Obligation Guarantees; Vessel Requirements, United States Construction	2133-AA29
2038	Establishment of Mandatory Position Reporting System for Vessels	2133-AA31
2039	Determinations of Non-availability of U.S.-Flag Vessels	2133-AA36
2040	Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
2041	Notice of Intent to Redesignate Essential Trade Routes	2133-AA44
2042	General Procedures for Determining Operating-Differential Subsidy (ODS) for Liner Vessels	2133-AA46
2043	Final Guidelines For Considering Early ODS Contract Terminations	2133-AA47
2044	Cargo Preference - U.S. Flag Vessels; Evaluation of Bids for Subsidized Liner Vessels	2133-AA52
2045	Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Worldwide Services; General Procedures for Determining ODS	2133-AA53

Maritime Administration—Nonsignificant—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2046	Statistical Data for Use In Operating-Differential Subsidy (ODS) Application Hearings	2133-AA16
2047	Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	2133-AA17
2048	Rules of Practice and Procedures; for Hearing in Operating-Differential Subsidy (ODS) Application; Applications for Subsidies and Other Direct Financial Aid	2133-AA20

DOT

Maritime Administration—Nonsignificant—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2049	Making Excess or Surplus Federal Property Available to the United States Merchant Marine Academy (USMMA), State Maritime Academies and Approved Nonprofit Maritime Training Institutions	2133-AA34
2050	Blanket Approval for: Bareboat Charters of Recreational Vessels to Noncitizens; Sales to Noncitizens and Transfers to Foreign Registry or Flag of Vessels Under 200 Gross Tons	2133-AA40
2051	Merchant Marine Training; Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges	2133-AA42
2052	War Risk Insurance	2133-AA49
2053	Approval of Marine Insurance Underwriter Organizations	2133-AA50
2054	Marine Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements	2133-AA51

Maritime Administration—Significant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2055	Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels	2133-AA04
2056	Review: Operating-Differential Subsidy (ODS) Rates for Liner Vessels	2133-AA07
2057	Participation by Vessels Built with CDS in the Carriage of Oil from Alaska in the Domestic Trade	2133-AA19
2058	Obligation Guarantees	2133-AA30

Maritime Administration—Nonsignificant—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2059	Federal Income Tax Aspects of the Capital Construction Fund	2133-AA05
2060	Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy	2133-AA08
2061	Requirements for Establishing United States Citizenship	2133-AA15
2062	Federal Tort Claims	2133-AA32
2063	Vessel Obligation Guarantees; Waivers for Foreign-Built Main Diesel Engines	2133-AA33

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Current and Projected Rulemakings

Significant

1525. ALLOCATION OF "SLOTS" AT WASHINGTON NATIONAL AIRPORT

Significance: Agency Priority

Legal Authority: 49 USC 1303; 49 USC 1347; 49 USC 1348(a); 49 USC 1354(a); Act for the Administration of Washington Natl Airport, Sec 2

CFR Citation: 14 CFR 93

Abstract: Proposed amendment to establish procedures for allocating the hourly number of instrument flight operations (takeoffs and landings) or "slots" that may be reserved at Washington National Airport (WNA) in accordance with the FAA's High Density Rule. This proposal is considered a significant rulemaking project due to substantial public interest and potential costs to airlines. The Department of Justice has expressed concerns about continuing the antitrust immunity under which the airline scheduling committees currently allocate slots at WNA. A new method of allocation may become necessary.

Timetable:

Action	Date	FR Cite
NPRM	10/27/80	45 FR 71236
Emergency Regulation	11/03/80	45 FR 72637
Comment Period extended	01/05/81	46 FR 932
Public Hearing	02/03/81	
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: The CAB in conjunction with the FAA commissioned the Polinomics Research Laboratories, Inc., to research the allocation problem. A report of its findings has been prepared. Another report by Econ, Inc., analyzing a slot allocation auction procedure has been prepared under an FAA contract. The emergency regulation was published in the Federal Register on November 3, 1980 (45 FR 72637). The NPRM for a long term solution to the slot allocation problem was issued on October 27, 1980 (45 FR 71236). A public hearing was held on February 13, 1981, and the comment period was extended until

February 26, 1981 (46 FR 932, January 5, 1981). On June 1, 1984, the FAA issued NPRM 84-6, dealing with slot transfers among carriers, and NPRM 84-7 proposing a slot allocation method for use if a scheduling committee should fail to allocate slots. These NPRMs are discussed in the FAA portion of the agenda.The withdrawal of this NPRM might be accomplished in conjunction with final action on NPRMs 84-6 and 84-7.

Analysis: Preliminary RIA 10/27/80

Agency Contact: Harvey Safeer, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-3331

RIN: 2105-AA00

1526. NONDISCRIMINATION ON THE BASIS OF HANDICAP (MASS TRANSIT PROGRAMS)

Significance: Regulatory Program

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended; 49 USC 1612(a) Urban Mass Trans. Act of 1964, as amended; 23 USC 142 Note Federal-aid Highway Act of 1973, as amended; 49 USC 1612(d) Urban Mass Trans. Act of 1964, as amended

CFR Citation: 49 CFR 27

Abstract: The Department's rule concerning mass transit service for handicapped persons is currently an interim final rule published July 20, 1981 (48 FR 37488). This rule was issued after a court decision said that section 504 did not authorize the Department's previous mass transit requirements. In 1983, Congress enacted section 317(c) of the Surface Transportation Assistance Act of 1982, which requires the Department to publish a new rule. The Department published an NPRM for this new rule on September 8, 1983 (48 FR 40684). The Department will review the comments and publish a final rule based on this NPRM.

Timetable:

Action	Date	FR Cite
NPRM	09/08/83	48 FR 40684
Extension of Comment Period	10/31/83	48 FR 50125
Final Action	09/01/85	

Small Entity: Yes

Analysis: Preliminary RIA 09/08/83

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA01

1527. REVIEW: MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f)

CFR Citation: 49 CFR 23

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider revisions of the existing rule. The aim of the revisions would be to reduce regulatory burdens associated with the present rule and clarify the administration of some provisions about which questions have been raised. On the basis of this review, the Department intends to publish from time to time, proposed rules to improve various aspects of the way the program is administered. This review is to improve the administration of the existing program, and it is not intended to affect the major policy provisions of the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM make interim amend to final rule, pend. revision of entire rule	03/12/81	46 FR 16282
Final Action for interim amendment	04/27/81	46 FR 23457
NPRM	10/00/85	

Small Entity: Yes

Additional Information: Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, proposing to delete two controversial provisions, pending revision of the entire rule published March 12, 1981 (46 FR 16282). Final rule for interim amendment published April 27, 1981 (46 FR 16202). Further action to revise existing rule under consideration.

Analysis: Final RFA 04/27/81; Regulatory Evaluation 04/27/81

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA04

1528. PUBLIC AVAILABILITY OF INFORMATION

Significance: Agency Priority

Legal Authority: 5 USC 552 Freedom of Information Act

CFR Citation: 49 CFR 7

Abstract: This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be addressed include fees to be charged for search and reproduction costs and the establishment of more precise criteria to enable the Department to determine when a waiver of fees is in the public interest. It would also address records relating to those functions of the Civil Aeronautics Board that were transferred to the Department. This rulemaking is significant because of substantial public interest. It is needed because the Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	11/00/85	

Small Entity: No

Additional Information: The regulations were last revised in 1975 (40 FR 7915). A new revision is currently under development.

Agency Contact: Rebecca H. Lima, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4542

RIN: 2105-AA05

1529. NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Significance: Agency Priority

Legal Authority: 29 USC 794; PL 97-248, Sec. 511-519 Airport and Airway Improv. Act of 1982

CFR Citation: 49 CFR 27; 14 CFR 382

Abstract: The Civil Aeronautics Board (CAB) has a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. DOT has prepared and transmitted to the Department of Justice, for review under E.O. 12250, an NPRM that would extend to passengers on all airlines the provisions of subparts B and C of the rule, which now apply only to subsidized carriers. This NPRM would also respond to the decision of the U.S. Court of Appeals for the D.C. Circuit in Paralyzed Veterans of America v. Civil Aeronautics Board, which said that Section 504 applied to all air carriers, whether or not they receive a direct Federal subsidy. The Department of Justice is currently considering whether to seek Supreme Court review of this decision.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA18

1530. COMMERCIAL SPACE TRANSPORTATION: GENERAL PROCEDURES LICENSING PROCEDURES, AND INFORMATION REQUIREMENTS

Significance: Regulatory Program

Legal Authority: PL 98-575

CFR Citation: 14 CFR 400 to 405; 14 CFR 411 to 422; 14 CFR 440 to 441

Abstract: The rulemaking addresses the general organization and procedures of the Office of Commercial Space Transportation and the review procedures and information requirements pertaining to launch license applications. The proposed regulations will identify the general factors the government will consider, in the absence of published technical standards, in the course of determining whether to grant a launch license request. The process identified in the proposed regulations will set out in greater detail the two-part process described in the Department's Notice of Policy published in the Federal Register on February 25, 1985. That process consists of a Mission Review, focusing on national security and foreign policy issues, and a launch Safety Review, focusing on public safety issues. The proposed regulations will reflect the Department's current thinking on the conduct of these reviews in light of comments received on the Notice of Policy. These regulations are significant because they involve issues of substantial interest to the public and important DOT policies.

Timetable:

Action	Date	FR Cite
Notice of Policy and Request for Comments	02/25/85	
Comment Period on Notice 02/25/85 to	04/26/85	
NPRM	11/15/85	

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA25

1531. COMMERCIAL SPACE TRANSPORTATION: THIRD-PARTY LIABILITY INSURANCE FOR COMMERCIAL SPACE LAUNCH ACTIVITIES

Significance: Agency Priority

Legal Authority: PL 98-575, Sec 16 Commercial Space Launch Act

CFR Citation: 14 CFR 410

Abstract: Statute prohibits commercial rocket launches unless they meet third-party liability financial responsibility requirements set by DOT. This regulation will set financial responsibility levels for launchers of rockets and operators of payloads and launch sites.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period Begin	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	
NPRM	10/00/85	

Small Entity: No

Additional Information: The CFR citations are tentative at this point.

Agency Contact: Robert I. Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5580

RIN: 2105-AA26

1532. LICENSING OF COMMERCIAL LAUNCH SITE OPERATIONS

Significance: Regulatory Program

Legal Authority: PL 98-575

CFR Citation: Not applicable

Abstract: The rulemaking addresses the development of technical standards for commercial launch site operations and the appropriate regulatory framework for issuing licenses authorizing such operations. In its initial stages the rulemaking will focus on identifying the basic safety elements associated with site operations, determining the degree to which safety operations can effectively be conducted by private entities, identifying the appropriate factors to consider in reviewing site proposals, and developing the standards to be applied in determining whether to approve such proposals. This rule is significant because it is included in the Department's Regulatory Program.

Timetable:

Action	Date	FR Cite
Interim Guidance	02/25/85	
ANPRM	02/01/86	

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA27

1533. REVIEW OF SAMPLE SIZE AND ADMINISTRATION OF THE AIRLINE PASSENGER ORIGIN-DESTINATION SURVEY

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1382

CFR Citation: 14 CFR 241

Abstract: OMB has mandated that the 10 percent sampling requirement contained in the Passenger Origin-Destination Survey be eliminated and that a requirement that the collection include a statistically valid sample be substituted. The NPRM will request comments on the size of the sample and invite the public to propose alternative methods of administering the statutory data collection requirements contained in the Civil Aeronautics Board Sunset Act of 1984. This change has the potential for reducing the burden on the industry. This rulemaking is significant because it may substantially change the reporting requirements for the aviation industry and significantly reduce the associated paperwork burdens.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	08/00/85	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA30

1534. REVIEW OF THE FORM 41 REPORT OF FINANCIAL AND OPERATING STATISTICS FOR LARGE CERTIFICATED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: OMB stated that the continuation of uniform, detailed financial and operating reporting of domestic air transportation appears to be contrary to airline deregulation. It has mandated that an NPRM be issued soliciting specific recommendations from the affected public. The NPRM will be broad enough in scope to accommodate a wide range of alternatives, including complete elimination of all requirements. The NPRM will specifically request comments on the need for, and frequency of, the collection in the light of the information collection requirements imposed on the airlines by other Federal agencies. Additionally, the NPRM will request specific comments from other agencies that presently use the Form 41 data. This rulemaking is significant because it may substantially change the reporting requirements for the aviation industry and significantly reduce the associated paperwork burdens.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	08/00/85	
Final Action	12/00/85	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA32

1535. COLLECTION OF SERVICE SEGMENT DATA FROM FOREIGN AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: Not yet determined

Abstract: DOT is considering a rule that would require submission to DOT of nonstop market data from foreign carriers providing scheduled service between their home countries and the United States. This information is needed to assess potential and actual benefits of bilateral agreements. The estimated cost would be about $250,000 a year.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA33

1536. LIBERALIZATION OF AIR CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken.

Timetable:

Action	Date	FR Cite
NPRM (EDR-439/SPDR-86, Docket 40336)	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
Reply Comment Period End	05/10/82	
NPRM (EDR-456/SPDR-88, Docket 40336)	04/12/83	48 FR 15639
NPRM Comment Period End	06/13/83	
Reply Comment Period End	06/28/83	
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Sam Whitehorn, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA41

1537. CERTIFICATE DURATION IN LIMITED ENTRY MARKETS. NOTICE REQUIREMENTS FOR CARRIERS LEAVING LIMITED-ENTRY MARKETS DURING A SELECTION CASE. PROCEDURES AND CRITERIA FOR SELECTING CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371

CFR Citation: 14 CFR 399

Abstract: This action will enable the Department to establish criteria upon which carriers will be selected to serve those markets where the number of U.S. flag carriers is restricted under current bilateral arrangements. The proposal will also examine whether certificate authority should be awarded for a limited duration or on a permanent basis. This rulemaking is significant because it could potentially establish new policy and legal precedent in the selection of carriers for limited designation markets and the duration of the authority which these carriers are awarded.

Timetable:

Action	Date	FR Cite
ANPRM	07/27/82	47 FR 32442
ANPRM Comment Period Begin	07/27/82	
Extension of ANPRM Comment Period	09/24/82	47 FR 42122
ANPRM Comment Period End	09/27/82	
Extended ANPRM Comment Period End	11/29/82	
NPRM	10/00/85	

Small Entity: No

Agency Contact: Jeffrey N. Shane, Deputy Asst. Secretary, Department of Transportation, Office of the Secretary, Policy and International Affairs, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4551

RIN: 2105-AA49

1538. ALIGNMENT OF AIRLINE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Abstract: As part of the continuing effort to align the DOT's aviation accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most air carriers.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA52

1539. REQUESTS FOR CONFIDENTIAL TREATMENT OF AVIATION ECONOMICS- RELATED MATERIALS FILED WITH DOT

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1482

CFR Citation: 14 CFR 302

Abstract: This rule would revise the procedures governing requests to confidential treatment of material filed with the Department to clarify the relation between those procedures and the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jack Calloway, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA62

1540. STREAMLINE AIRLINE PASSENGER ORIGIN-DESTINATION SURVEY REPORTING

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1382

CFR Citation: 14 CFR 241

Abstract: This rule would standardize reporting instructions for old (pre-deregulation) and new air carriers, limit interline reporting to large carriers (over $75 million in operating revenues), and seek suggestions on ways to further reduce and simplify the survey systems' reporting requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: ack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA71

1541. SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Abstract: This rule would inform passengers of their right to a seat in non-smoking section of an aircraft by one of two proposed alternatives. The first would require airlines to include a prescribed notice on or with their tickets. The second would include smoking in the list of subjects incorporated by reference in the contract of carriage, which would inform passengers that additional information may be obtained from the place of ticketing.

DOT—OST

Current and Projected Rulemakings
Significant

Timetable:

Action	Date	FR Cite
NPRM (EDR-449, Docket 41009)	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA72

1542. AIRLINE INTERLINE AGREEMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399

Abstract: Republic Airlines petitioned the CAB for emergency rulemaking and other relief concerning changes in carrier interline practices. It stated that a number of major carriers have withdrawn from the current multilateral interline traffic agreement and henceforth will maintain interline arrangements only pursuant to bilateral agreements that are terminable monthly without notice. It alleged that failure to notify passengers that interlining may cease abruptly and without notice could constitute an unfair or deceptive practice within the meaning of section 411 of the Federal Aviation Act of 1958. In addition, it argued that the right to terminate interline agreements without notice could be used for anticompetitive purposes. Republic asked the CAB to adopt interim rules requiring notice to passengers and to institute a rulemaking proceeding to determine whether these no-notice bilateral interline agreements are an unfair method of competition. The CAB denied the request for emergency rules. DOT is now considering the subject of interlining and whether to begin a rulemaking proceeding. This rulemaking would be significant because it would affect competition in a (cont)

Timetable:

Action	Date	FR Cite
Order 83-12-3 Denial of Emergency Action		
Petition filed in Docket 41825		
Petition under consideration		

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT: deregulated environment and may affect the convenience of travel for passengers.

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA85

1543. SHARING OF SINGLE AIR CARRIER DESIGNATOR CODES

Significance: Regulatory Program

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: The CAB proposed adding a policy statement that it would regard it as an unfair and deceptive practice and an unfair method of competition if two or more carriers share a single carrier designator code without giving reasonable notice to consumers of the identity of carriers actually providing service under the shared code and the nature of the relationship between carriers involved. The Board considered a final rule but took no final action. DOT is now considering what action to take. This rulemaking is significant because consumers may be at a disadvantage without full disclosure of the identity of carriers providing services for all parts of the trip.

Timetable:

Action	Date	FR Cite
NPRM PSDR-85, Docket 42199	10/31/84	49 FR 43709
Final Action	12/00/85	

Small Entity: No

Agency Contact: Bob Young, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4731

RIN: 2105-AA90

1544. CONFIDENTIALITY OF PARTS 241 AND 298 AIRLINE REPORTS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 241; 14 CFR 298

Abstract: This rule would consider whether some components of individual carrier's reports submitted under Parts 241 and 298 should be kept confidential and for how long.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA95

1545. CONSUMER PROTECTION FOR DEFAULT BY SCHEDULED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: 00 CFR None

Abstract: Transamerica petitioned the CAB to investigate ways to protect consumers against service defaults by scheduled air carriers in domestic, overseas, and foreign air transportation. Transamerica suggested that the Board condition the award of operating authority to perform direct carrier scheduled service on air carriers developing a default protection plan. For foreign air travel, it suggested that the obligation be limited to outbound flights. The petitioner argued that prompt action is necessary in order to ensure continued public confidence in scheduled air service and to protect passengers from unnecessary financial hardship. DOT is considering what action should be taken on the petition.

DOT—OST — **Current and Projected Rulemakings**
Significant

Timetable:

Action	Date	FR Cite
Petition filed in Docket 42368		

Next Action Undetermined

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA98

1546. ELECTRONIC FILING OF TARIFFS

Significance: Regulatory Program

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Abstract: DOT will examine whether conversion from a paper document system to a computerized system of filing and monitoring air carrier tariffs can reduce paper flow, speed up processing, and allow the industry to utilize computer and telecommunications technology to communicate with DOT. The alternative is to maintain the current paper tariffs system. Potential savings to the industry may be greater than to the government, since airlines already utilize automated fare and rate systems. In addition, airlines may be able to implement changes faster, thus responding more quickly to market conditions, and may be less burdened with the cost of producing and transmitting paper documents. The Department may reduce paper flow, experience savings in processing time and staffing, and improve the accuracy and control of tariff data. Costs to the government include systems design and the hardware, software and telecommunications facilities to operate the system.

Timetable:

Action	Date	FR Cite
Request for comments	06/00/85	
ANPRM	08/19/85	50 FR 33452
ANPRM Comment Period Begin	11/18/85	
ANPRM Comment Period End	11/18/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Thomas Moore, Chief, Tariffs Division, 400 - 7th Street, SW, Washington, DC 20590, (202) 472-5573

Agency Contact: Desta McDowell, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5573

RIN: 2105-AB00

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DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Current and Projected Rulemakings
Nonsignificant

1547. TITLE VI CIVIL RIGHTS REGULATION

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and intends to withdraw the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5568
NPRM Comment Period End	04/20/81	
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: NPRM published in the Federal Register January 19, 1981 (46 FR 5568). Comment period closed April 20, 1981. No further action is anticipated on this NPRM.

Analysis: Regulatory Evaluation 01/19/81

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4754

RIN: 2105-AA02

1548. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Abstract: As part of the NPRM that proposed its minority business program rule, (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program. The Department intends to withdraw this proposal.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action concerning financial assistance programs	03/31/80	45 FR 21172
Withdraw Proposed Rule	00/00/00	

Small Entity: No

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.

Analysis: Regulatory Evaluation 05/17/79

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA03

1549. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION--STATE TRANSPORTATION AGENCIES' EEO AFFIRMATIVE ACTION PROGRAMS

Legal Authority: Federal-Aid Highway Act of 1968, as amended, Sec 22(a); RR Revitalization & Regulatory Reform Act of 1976, Sec 905; 49 USC 1615 Urban Mass Transportation Act of 1964, as amended; 29 USC 794 Rehabilitation Act of 1973, Sec 504

CFR Citation: 49 CFR 1.48(c); 49 CFR 2.49(u); 49 CFR 1.51(e)

Abstract: The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The proposed regulation was forwarded to EEOC for review and coordination. The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review.

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4754

RIN: 2105-AA06

1550. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Legal Authority: PL 95-134, Title V

CFR Citation: 49 CFR 29

Abstract: The regulation would comply with Title V of Pub. L. 95-134, which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765

Next Action Undetermined

Small Entity: No

Agency Contact: Irving Glasser, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4455

RIN: 2105-AA08

1551. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: PL 94-135, Title III

CFR Citation: 29 CFR 1691

Abstract: This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. Few comments were received on the NPRM. The Department intends to publish a final rule later this year.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4754

RIN: 2105-AA09

1552. MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS); COUNTING CREDIT FOR SUPPLIERS AND OTHER SERVICE PROVIDERS

Legal Authority: 42 USC 2000d; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f), Surface Transp. Assist. Act of 1982

CFR Citation: 49 CFR 27.47(e)(f)

Abstract: The current DOT MBE rule provides that recipients and contractors may receive only 20 percent credit for the cost of goods purchased from MBE suppliers who do not manufacture the goods. The Department intends to propose a regulation to correct the perceived inequities resulting from this approach.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA20

1553. NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. The rule would also apply to DOT activities and functions transferred from the Civil Aeronautics Board after that agency's "sunset". A CAB NPRM that was being developed on this subject will be subsumed in this project.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5577**

RIN: 2105-AA29

1554. AIR CARRIER CARGO TARIFF PUBLICATIONS

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1482

CFR Citation: 14 CFR 221.171; 14 CFR 221.173

Abstract: This petition proposes to amend the requirement that air carriers post cargo tariffs at stations, offices, and locations other than their principal office. The petitioners proposed to allow carriers to maintain a memorandum tariff at each location and have a toll-free number for shippers to obtain access to complete tariff information. Petitioners alleged that such a change would substantially reduce the cost and time burden of maintaining and continually updating voluminous files of current and past tariffs at each location.

Timetable:

Action	Date	FR Cite
Petition Filed in Docket 42660	11/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: Petition under consideration.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5621**

RIN: 2105-AA31

1555. COLLECTION OF FINANCIAL INFORMATION FROM THE COMMUTER AIR CARRIER INDUSTRY

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Abstract: DOT is considering proposing to collect basic financial information from the commuter air carrier industry. Data would be used for safety purposes, fitness reviews, and various economic analysis such as trust fund revenue generation, and airport and airways development.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7372**

RIN: 2105-AA34

1556. AIRLINE TIME AND MILEAGE GUIDES

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Abstract: The DOT currently prohibits fares or rates based upon units of time. This rule would remove these restrictions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-448, Docket 41034)	10/27/82	47 FR 47599
NPRM Comment Period Begin	12/13/82	

Next Action Undetermined

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5577**

RIN: 2105-AA39

1557. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM (EDR-405, Docket 37169)	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Sam Whitehorn, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5577**

RIN: 2105-AA40

1558. ZONES FOR AIRLINE MAIL RATES

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376; 49 USC 1551(b)(1)(D)

CFR Citation: 14 CFR 233, (Proposed)

Abstract: This proposed rule would end the current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by DOT, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone. The rule is now moot with regard to domestic mail rates except in Alaska.

Timetable:

Action	Date	FR Cite
NPRM (EDR-387/PDR-68, Docket 36497)	09/07/79	44 FR 52246
Supplemental NPRM (EDR-387C/PDR-68C)	12/18/80	45 FR 83510
Comment Period End	02/17/81	
NPRM Comment Period End	07/17/81	
Supp NPRM	12/15/85	
Final Action	12/15/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Lawrence Myers (202) 426-5621.

Agency Contact: Barry Molar, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7410**

RIN: 2105-AA44

1559. AIR TRAVELERS: AGE DISCRIMINATION

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes. DOT is considering combining this rulemaking with a broader DOT age discrimination rule on which work is now under way.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-74, Docket 36639)	09/26/79	44 FR 55383
Final Rule adopted by the Board	04/10/80	
HHS approved Final Rule with changes	07/13/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA45

1560. POLICY STATEMENT ON AIRLINE PREEMPTION

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Rule (PS-83, Docket 34684)	02/15/79	44 FR 9948
Request for comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	
Final Action	03/00/86	

Small Entity: Yes

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA46

1561. INSURANCE FOR ON-DEMAND AIR TAXI OPERATORS AND CANADIAN AIR TAXIS

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Abstract: This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or $100,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM (EDR-395, Docket 37531)	02/04/80	45 FR 7566
NPRM (EDR-395B, Docket 37531)	10/27/81	46 FR 52585
NPRM Comment Period End	12/28/81	
Reply Comment Period End	01/18/82	
NPRM (EDR-395C, Docket 37531)	03/10/83	48 FR 10073
Comment Period End	05/17/83	
Final Action	04/30/86	

Small Entity: Yes

Agency Contact: George Wellington, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-3600

RIN: 2105-AA47

1562. REVISE DEFINITION OF AIRLINE REVENUE AND NONREVENUE PASSENGERS, AND FIRST CLASS AND COACH PASSENGERS

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in sections 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air fare deregulation. In addition, first class and coach passengers are defined in terms of the type of fare paid with premium or standard fares being the benchmark for first class. With deregulation and the proliferation of the marketplace with new air fares, these definitions may also be outmoded. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA53

1563. REDUCE AIR CARRIER SERVICE SEGMENT DATA REPORTS

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: This proposed rule would standardize service segment data reporting for aviation. Presently, larger carriers file very detailed service segment data in ADP format while smaller carriers file a condensed version on a hardcopy report. This rule would standardize domestic service segment data at the condensed level.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA56

1564. NAVIGATION OF FOREIGN CIVIL AIRCRAFT

Legal Authority: 49 USC 1324; 49 USC 1372; 49 USC 1508

CFR Citation: 14 CFR 375

Abstract: The CAB proposed to simplify and clarify its rules governing the navigation of foreign aircraft that are not engaged in foreign air transportation. The proposed rule would delete outdated provisions and conform the language of the rule to FAA regulations. In addition, the rule would expand the definition of foreign and civil aircraft to include U.S. registered aircraft owned by non U.S. citizens and would revise the application procedures for foreign aircraft permits to expedite their processing. The Department is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM	10/25/84	49 FR 42948
NPRM Comment Period Begin	10/25/84	
Extension of comment period (SPDR-91A)	12/13/84	49 FR 48659
NPRM Comment Period End	12/28/84	
Final Action	11/30/85	

Small Entity: No

Agency Contact: George Wellington, Chief, Continuing Licenses Branch, Licensing, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-3800

RIN: 2105-AA65

1565. NONDISCRIMINATION IN FEDERALLY-ASSISTED AVIATION ECONOMICS RELATED PROGRAMS OF DOT

Legal Authority: 42 USC 2000d-1

CFR Citation: 14 CFR 379

Abstract: The CAB reviewed its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice. An NPRM was approved by the Board on June 15, 1982, and was forwarded to the Justice Department for review in accordance with Executive Order 12250. This regulation and its relationship to the DOT Title VI regulation (49 CFR Part 21) are now under review in the Department.This rule was erroneously listed as significant in the last Agenda.

Timetable:

Action	Date	FR Cite
NPRM approved by Board	06/15/82	

Next Action Undetermined

Small Entity: No

Additional Information: The Justice Department is reviewing the NPRM.

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA66

1566. OVERSEAS MILITARY PERSONNEL AIR CHARTER TARIFFS

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Abstract: The reference to tariffs in the rule governing Overseas Military Personnel Charters (OMPC) has become obsolete, at least with respect to domestic air transportation. The CAB was considering whether to eliminate the tariff requirement for all OMPC's and replace it with consumer protection requirements similar to those in its Public Charter rule in Part 380. This proposal is still being considered by DOT.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA67

1567. EFFECT OF EXPIRATION OF A BILATERAL ON FOREIGN AIR CARRIER AUTHORITY

Legal Authority: 49 USC 1159b; 49 USC 1324; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502; 5 USC 558; 5 USC 559

CFR Citation: 14 CFR 377

Abstract: In the past, the CAB had held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. This rule would reverse that policy in order to ensure equal competitive opportunities for U.S. carriers. This rulemaking is significant because it involves substantial public interest. It affects the relationship between U.S. and foreign carriers.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-89 and SPDR-89A, Docket 41497)	06/03/83	48 FR 24923
NPRM Comment Period Begin	06/03/83	
NPRM Comment Period End	08/02/83	
Final Action	12/31/85	

Small Entity: No

Agency Contact: Richard M. Loughlin, Chief, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 10105, Washington, DC 20590, 202 755-3800

RIN: 2105-AA68

1568. JOINT TARIFF FILING BY FOREIGN AIR FREIGHT FORWARDERS

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 296; 14 CFR 221

Abstract: This rule would permit indirect cargo air carriers to participate in joint tariffs filed by direct air carriers and direct foreign air carriers for the foreign air transportation of cargo. The rule would require that advance notice be given to the shipper that the shipment will be interlined, and that the shipment is not otherwise consolidated for rating purposes. This rule would simply codify an existing exemption order. CAB Order 82-12-24.

Timetable:

Action	Date	FR Cite
Final Action	10/15/85	

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA69

1569. UNFAIR AND DECEPTIVE PRACTICES BY AIRLINE TICKET AGENTS

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: Enforcement policies currently make reference to tariffs. DOT is considering whether to limit these provisions to foreign air transportation or to eliminate them entirely.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA70

1570. DIRECT FLIGHTS

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA73

1571. REQUIRE SPECIFIC CATEGORIES OF RECORDS AND RETENTION PERIODS FOR COMMUTER AIR CARRIERS RECEIVING SUBSIDY

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; modify or eliminate several of the records prescribed for retention by certificated carriers; and clarify one of the records prescribed for retention by public charter operators and overseas military personnel charter operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity:

Yes

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA76

1572. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Legal Authority: 49 USC 1324; 49 USC 1376; 49 USC 1389; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Abstract: Under section 322 of the FY 1983 Transportation Appropriations Act, interest may be paid on certain "hold-in" subsidy claims by certificated air carriers under sections 419 and 406 of the Act. This rule would set procedures for payment of that interest.

Timetable:

Action	Date	FR Cite
NPRM (PDR-87, Docket 41855)	12/21/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Robert Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5580

RIN: 2105-AA77

1573. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504; ...

CFR Citation: 14 CFR 253; 14 CFR 399

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same

metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM (EDR-468/PSDR-81, Docket 41683)	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	
Reply Comment Period End	11/28/83	

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601.

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA78

1574. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Abstract: The CAB proposed updating its rules applicable to exemption procedures to conform the rules to the changes brought about by the Airline Deregulation Act and the International Air Transportation Competition Act of 1979, and to modernize the evidentiary and service requirements.

Timetable:

Action	Date	FR Cite
NPRM (PDR-88/ODR-27/PSDR-83)	10/05/84	49 FR 39337
Reply comments due	12/04/84	
Notice of Final Action	09/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Nancy Trowbridge, (202) 755-3805.

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA82

1575. FILING REQUIREMENTS FOR INTERNATIONAL AIR CARGO TARIFFS

Legal Authority: 49 USC 1301; 49 USC 1324; 49 USC 1371 to 1374

CFR Citation: 14 CFR 221

Abstract: The Department is considering shortening the filing requirements from 60 to 30 days for international cargo tariffs that are within the Standard Foreign Rate Level. This rule would encourage pricing flexibility and standardize the tariff-filing requirements for cargo rates and passenger fares that are within the zone.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA83

1576. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM (EDR-477, Docket 41690)	12/18/84	49 FR 4911
NPRM Comment Period Begin	12/18/84	
NPRM Comment Period End	03/19/85	
Final Action	12/05/85	

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA84

1577. ESSENTIAL AIR SERVICE SUBSIDY FOR THE FREELY ASSOCIATED STATES

Legal Authority: 49 USC 1324; 49 USC 1502; S.J. Res. 286 Compact of Free Association; H. Doc. 98-192 Compact of Free Association

CFR Citation: 14 CFR 211; 14 CFR 272, (Proposed); 14 CFR 302

Abstract: The Compact of Free Association between the U.S. and the governments of certain territories in the Trust Territory of the Pacific Islands is pending adoption before the U.S. Congress. The Compact of Free Association and related Article IX of the Federal Programs and Services Agreement would make provision for payment of subsidy, if necessary, to maintain essential air transportation to the Federated States of Micronesia and the Marshall Islands when they acquire their new status. The Compact and Agreement also permit the Department under certain conditions to pay subsidy to Freely Associated States air carriers and to authorize these carriers to carry local air traffic between Guam, the Commonwealth of the Northern Mariana Islands, and Honolulu, Hawaii. This rule would establish the requirements and procedures for implementing these provisions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-478/PDR-89, Docket 42721)	01/02/85	50 FR 95
NPRM Comment Period End	04/04/85	
Reply to Comments due	04/25/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Peter Schwarzkopf, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA86

1578. CURRENCY-RELATED ADJUSTMENTS FOR INTERNATIONAL AIR CARGO RATES

Legal Authority: 49 USC 1324; 49 USC 1371 to 1379; 49 USC 1381; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399

Abstract: TWA petitioned the CAB to establish an expanded policy of international cargo rate flexibility by which carriers would file for expedited effectiveness certain increased cargo rates on inbound traffic to the United States. The rate changes involved would be currency-related adjustments that carriers file in response to foreign government orders. TWA stated that this change is needed so that airlines are not exposed to penalties for failing to comply with foreign government directives. In addition, it argued that protracted review of these filings has a severe impact on airline revenues because an airline cannot change its tariffs to reflect currency devaluations. DOT is considering what action to take in response to this petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 41786		

Next Action Undetermined

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA87

1579. SIMPLIFIED AIRLINE COUNTERSIGN NOTICES

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its countersign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified countersign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM (EDR-474, Docket 41971)	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	
Final Action	12/00/85	

Small Entity: Yes

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA88

1580. POLICY STATEMENT ON STANDARD FOREIGN FARE LEVEL FOR AIR CARRIERS

Legal Authority: 49 USC 1371; 49 USC 1375; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399

Abstract: The CAB considered adopting a policy statement that would combine the CAB's policies on Standard Foreign Fare Level (SFFL), which are found in numerous orders, into a single, comprehensive rule. DOT is considering what should be included in the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA89

1581. EMPLOYMENT DISCRIMINATION AGAINST HANDICAPPED PERSONS BY AIR CARRIERS

Legal Authority: 29 USC 794; 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1376; 49 USC 1377; 49 USC 1386; 49 USC 1389; EO 12250 45 FR 72995

CFR Citation: 14 CFR 382

Abstract: The CAB was considering new rules prohibiting unlawful discrimination against otherwise qualified handicapped persons who are employed by, or are seeking employment from, airlines. This proposed rule is required by the Rehabilitation Act of 1973. This action is under consideration at DOT.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA92

1582. CARGO RATE CHANGES ON 30 DAYS NOTICE

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221.160

Abstract: This rule would amend regulations to allow cargo tariffs which are within the zones established under 14 CFR 399.41 to be filed on 30 days' notice. There are two alternatives: either maintain the status quo (60 days' notice) or change cargo tariff filing regulations to 30 days' notice to be consistent with passenger tariff filing requirements. Standardization of the regulatory tariff filing requirements for both cargo and passenger tariffs would benefit the industry.

Timetable:

DOT—OST

Current and Projected Rulemakings
Nonsignificant

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Tom Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, 202 472-5573

RIN: 2105-AA99

1583. ESTABLISHMENT OF NEW CLASS SERVICE MAIL RATE FOR BUSH OPERATIONS WITHIN ALASKA

Legal Authority: 49 USC 1376

CFR Citation: 14 CFR 302.3

Abstract: CAB Sunset Act of 1984 extends Intra-Alaska mail rate authority through December 1988. This rulemaking would consider the establishment of new service mail rates to bush points in Alaska. It would also consider the data reporting requirements and appropriate updating procedures to support the establishment and future revision of these rates.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Julien R. Schrenk, Transportation Economist, Department of Transportation, Office of the Secretary, 400 Seventh Street, NW, Washington, DC 20590, 202 472-5126

RIN: 2105-AB01

1584. ● UPDATE THE DEPARTMENT OF TRANSPORTATION ACQUISITION REGULATIONS TO IMPLEMENT THE COMPETITION IN CONTRACTING ACT AS SET FORTH IN THE FEDERAL ACQUISITION REGULATIONS-PROPOSED RULES

Legal Authority: 40 USC 486(c); 10 USC 2301; 48 CFR 1.301; 49 CFR 1.59; PL 98-369, Title VII

CFR Citation: 48 CFR 1201, (Revision)

Abstract: The Competition in Contracting Act (CICA) P.L. 98-369, effective April 1, 1985, makes major changes in the structure and control of the Federal acquisition process. These changes have been effected by the Federal Acquisition Regulation (FAR). The intent of the update of the Department's acquisition regulation is to implement the FAR coverage of CICA where required.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	11/30/85	
Final Action	04/01/86	

Small Entity: Yes

Agency Contact: Roger C. Martino, Chief, Procurement Management Division, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4237

RIN: 2105-AB15

1585. ● WARRANTY REGULATIONS FOR MAJOR SYSTEM ACQUISITIONS OF THE UNITED STATES COAST GUARD - PROPOSED RULE

Legal Authority: PL 98-473

CFR Citation: 48 CFR 1246

Abstract: This rulemaking would establish the regulations for Coast Guard warranties that shall be included in all contracts with prime contractors for major system acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: Undetermined

Agency Contact: Roger Martino, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4237

RIN: 2105-AB16

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Existing Regulations Under Review
Significant

1586. COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6 and 297.30; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G

Abstract: The Civil Aeronautics Board was an independent agency; its rules have now been transferred to DOT, a cabinet department. This review will identify any CAB rules which are not consistent with Department or Administration regulatory criteria, such as those that impose an unnecessarily high cost or those with paperwork burdens that can be reduced or which involve a level of benefits or costs which are either higher or lower than necessary. The review will examine all alternatives, from strengthening a given rule to eliminating it. Non-regulatory approaches, including the supplying of information by the government, or regulation by another level of government, will be also considered. The benefits and costs will be known only after these alternatives have been developed. This review is a priority because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	
End Review	12/31/85	

Small Entity: Yes

Additional Information: The committee conducting this review will examine all CAB consumer rules. Rulemaking proceedings on individual regulations may follow, depending on the committee's findings and recommendations.

DOT—OST

Existing Regulations Under Review
Significant

Agency Contact: Timothy J. Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Room 10405, Washington, DC 20590, 202 755-2220

RIN: 2105-AB03

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Completed Actions
Significant

COMPLETED RULEMAKINGS

1587. CONSTRUCTION DIFFERENTIAL SUBSIDY (CDS) REPAYMENTS; TOTAL REPAYMENT POLICY

Significance: Agency Priority

Legal Authority: 46 USC 1114(b)Merchant Marine Act, 1936, as amended, Sec. 204(6); 46 USC 1117 Merchant Marine Act, 1936, as amended, Sec. 207; 46 USC 1156 Merchant Marine Act, 1936, as amended, Sec. 506; 46 USC 1204 Merchant Marine Act, 1936, as amended, Sec. 714

CFR Citation: 46 CFR 276

Abstract: The regulation would amend 46 CFR 276 which would set forth the Department's policy in considering requests for repayment of construction-differential subsidy as authorized under the provisions of the Merchant Marine Act of 1936, as amended.

Timetable:

Action	Date	FR Cite
First NPRM	11/02/78	43 FR 51045
Second NPRM	05/05/80	45 FR 29610
Interim Rulemaking	10/15/80	45 FR 68393
Amendment to Interim Rule	11/24/80	45 FR 77445
Third NPRM	01/31/83	48 FR 4408
NPRM Public Comment Period closed	04/01/83	
NPRM Comment Period extended to	05/02/83	
Final Action	05/07/85	50 FR 19170
Final Action Effective	06/06/85	50 FR 19170

Small Entity: No

Additional Information: First NPRM, November 2, 1978 (43 FR 51045). Second NPRM, May 5, 1980 (45 FR 29610). Interim Rulemaking, October 15, 1980 (45 FR 68393). Amendment to Interim Rule, November 24, 1980 (45 FR 77445). The interim rule was invalidated by the U.S. Court of Appeals of the D.C. Circuit in 1982. Third NPRM, January 31, 1983 (48 FR 4408). Public comment period closed on April 1, 1983. Comment period on NPRM extended until May 2, 1983. The FY 1985 Commerce, Justice and State Department Appropriations Act prohibits enforcement of any new CDS payback rule until May 15, 1985.

Analysis: Regulatory Evaluation 01/31/83

Agency Contact: Warren Dean, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2972

RIN: 2105-AA15

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Completed Actions
Nonsignificant

COMPLETED RULEMAKINGS

1588. NONDISCRIMINATION ON THE BASIS OF HANDICAP BY AIRLINES

Legal Authority: 29 USC 794

CFR Citation: 14 CFR 382

Abstract: This entry duplicates other entries and is therefore withdrawn.

Timetable:

Action	Date	FR Cite
Withdrawn	08/27/85	

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA42

1589. INDIRECT AIR CARRIERS-GROUP CONTRACTOR EXEMPTIONS

Legal Authority: 49 USC 1371; 49 USC 1386

CFR Citation: 00 CFR None

Abstract: This rule would codify the Department's treatment of group contractors. A group contractor, like a charter operator, is an indirect air carrier that purchases air transportation from a direct air carrier and sells it to passengers as a principal rather than as an agent. Unlike charter operators, however, a group contractor is backed up financially by the direct carrier so that a passenger may look to the direct carrier for transportation or refund if the group contractor defaults. Group contracts are currently governed by the CAB Order 81-7-109, July 31, 1981, as modified by Order 82-3-132, March 24, 1982. They are sometimes referred to as "contract bulk fare operators."

Timetable:

Action	Date	FR Cite
Final Action	08/27/85	

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA48

1590. REVISING THE DEFINITION OF COMMUTER AIR CARRIER

Legal Authority: 49 USC 1324; 49 USC 1386

CFR Citation: 14 CFR 298

Abstract: This rule would clarify the status and obligations of an air taxi that enters into a subcontract with a commuter to operate some of that commuter's scheduled routes. Rule determined to be unnecessary.

Timetable:

Action	Date	FR Cite
Action Terminated	07/12/85	

Small Entity: Yes

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA60

1591. GUIDELINES FOR ALLOCATING COSTS FOR AIR CARRIERS PROVIDING "HOLD-IN" SERVICE UNDER SECTION 419

Legal Authority: 49 USC 1324; 49 USC 1377; 49 USC 1389

CFR Citation: 14 CFR 324

Abstract: DOT subsidizes certain air carriers to provide essential air service to some small communities in the U.S. If a subsidized carrier wants to reduce or suspend its air service to certain communities, DOT "holds-in" the subsidized air carrier until a replacement air carrier can be found to provide the essential level of air service. DOT is considering expanding Part 324 to include a description of the costing methodology used to determine the compensation for losses in such hold-in cases. It is also considering including a description of the types of situations where the various methodologies would be appropriate.

Timetable:

Action	Date	FR Cite
Withdrawn Terminate	07/11/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert Ashby, (202) 426-4723.

Agency Contact: Wayne Watkins, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5950

RIN: 2105-AA80

1592. DEPARTMENT OF TRANSPORTATION ACQUISITION REGULATION 48 CFR CHAPTER 12 - FINAL RULE

Legal Authority: 40 USC 486(c); 10 USC 2301; 48 CFR 1.301; 49 CFR 1.59

CFR Citation: 48 CFR 1201

Abstract: The Department of Transportation Acquisition Regulation (TAR) is established to implement and supplement the Federal Acquisition Regulations (FAR), (Far Title 48 CFR Chapter 1). The intended effect of the Department's acquisition regulation is to implement the FAR where required and to supplement the FAR in areas where there is no FAR coverage of policies unique to DOT. Lack of a particular subject area in the TAR means the Department accepts the FAR coverage without further implementation. The proposed TAR was published in the FEDERAL REGISTER on June 1, 1984, 49 FR 22922, as an interim final rule inviting public comments. The changes that were made were appropriate to incorporate the comments received as well as other administrative and editorial changes, and these changes will be made, as appropriate, to incorporate typographical corrections discovered by the Department.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	06/01/84	49 FR 22922
Interim Final Rule	06/01/84	49 FR 22922
NPRM Comment Period End	07/31/84	
Final Action Effective	01/31/85	
Final Action	04/15/85	50 FR 14798

Small Entity: No

Additional Information: This final rule changed in format and internal procedures. In addition, it removed old portions which would duplicate new FAR coverage of subject matter not previously contained in Federal Procurement Regulations (41 CFR Chapter 1) and inserted necessary Departmental procedures at those places where the FAR requires agency implementation.

Agency Contact: Roger C. Martino, Chief, Procurement Management Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW., Room 9100, Washington, DC 20590, 202 426-4237

RIN: 2105-AB02

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

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COMPLETED REVIEWS

1593. IMPLEMENTATION OF CAB ANTITRUST AUTHORITY

Significance: Agency Priority

Legal Authority: 49 USC Subtitle I; 49 USC 1378; 49 USC 1379; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1551

CFR Citation: 49 CFR 251; 49 CFR 261; 49 CFR 287; 49 CFR 291; 49 CFR 296; 49 CFR 298; 49 CFR 299; 49 CFR 302; 49 CFR 303; 49 CFR 315

Abstract: On January 1, 1985, the authority of the Civil Aeronautics Board (CAB) to approve and grant antitrust immunity to certain aviation-related agreements, mergers, consolidations, acquisitions of control and interlocking relationships transferred to DOT. In order to implement this authority, the Department is proposing regulations that 1) specify the information that must be submitted when Department approval is sought; 2) set out the procedures to be followed when an application for approval has been filed; and 3) exempt certain transactions and relationships from the requirement to obtain Department approval. The proposed regulations are, in most respects, very similar to existing regulations of the same subject matter, and were drafted in cooperation with the Antitrust Division, Department of Justice.

DOT—OST

Completed Actions
Significant Reviews

Timetable:

Action	Date	FR Cite
NPRM	02/06/85	50 FR 5214
NPRM Comment Period Begin	02/06/85	
NPRM Comment Period End	03/08/85	
Final Action	07/31/85	50 FR 31134
Final Action Effective	08/30/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Sam Whitehorn, Ass't General Counsel for International Law, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105–AA23

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Current and Projected Rulemakings
Significant

1594. WORKPLACE SAFETY AND HEALTH REQUIREMENTS FOR FACILITIES ON THE OUTER CONTINENTAL SHELF (79-077)

Significance: Regulatory Program

Legal Authority: 43 USC 1333; 43 USC 1347

CFR Citation: 33 CFR 142

Abstract: This regulation would develop occupational safety and health standards for personnel working on OCS facilities.

Timetable:

Action	Date	FR Cite
Notice of Meeting	03/05/81	46 FR 15402
Correction of Notice	03/19/81	46 FR 17702
NPRM	01/09/84	49 FR 1085
Correction	02/20/84	49 FR 7253
Final Action	10/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 79-077.

This action is taken in concert with OSHA.

Analysis: Regulatory Evaluation 01/09/84 (49 FR 1085)

Agency Contact: Mr. Penn, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2307

RIN: 2115–AA35

1595. REVIEW: QUALIFICATIONS OF THE PERSON IN CHARGE OF OIL TRANSFER OPERATIONS, TANKERMAN REQUIREMENTS (79-116)

Significance: Agency Priority

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 70; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 157

Abstract: Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. This is considered significant because of passage of the Port and Tanker Safety Act of 1978 and the fact that the International Convention on the Standards for Training, Certification and Watchkeeping for Seafarers of 1978 will enter into force on April 28, 1984. This rulemaking is necessary because most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
Begin Public Hearings	01/00/81	
End Public Hearings	02/00/81	
Supplemental NPRM	12/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 79-116 and 79-116a. Environmental Analysis and Inflationary Impact Statement completed February 1977. Extensive comments were received on the April 25, 1977 NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980 (45 FR 83268 and 45 FR 83290). ADDITIONAL ANALYSIS: Inflationary Impact Statement.

Analysis: Regulatory Evaluation 12/00/85; Environmental Impact Statement 12/00/85

Agency Contact: LCDR Pendegraft, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2241

RIN: 2115–AA03

1596. JOINT U.S.-CANADA VESSEL TRAFFIC MANAGEMENT REGULATIONS FOR THE PACIFIC REGION (79-131)

Significance: Agency Priority

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Abstract: Would implement the provisions of an agreement for a cooperative vessel traffic management system for the Pacific region.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37433

Next Action Undetermined

Small Entity: No

Additional Information: Next action dependent upon Canadian Government.

Analysis: Regulatory Evaluation 08/18/83

Agency Contact: LCDR T. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1940

RIN: 2115–AA39

1597. LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS (81-059)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114

CFR Citation: 46 CFR 10; 46 CFR 157; 46 CFR 186; 46 CFR 187

Abstract: Would amend the licensing regulations to simplify administration and improve readability to the public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses. This regulation has been made significant because of its far reaching impact on all licensed officers of the merchant marine.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/81	46 FR 53624
NPRM	08/08/83	48 FR 35920
Comment Period extended	11/10/83	48 FR 51650
Supplemental NPRM	11/00/85	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 46 USC 8101; 46 USC 8105; 46 USC 8104; 46 USC 8301; 46 USC 8302; 46 USC 8303; 46 USC 8304; 46 USC 8502; 46 USC 7701; 46 USC 7702; 46 USC 7703;

Analysis: Regulatory Evaluation 08/08/83

Agency Contact: CDR Naccara, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2240**

RIN: 2115-AA64

1598. SUSPENSION AND REVOCATION PROCEEDINGS (82-002)

Significance: Agency Priority

Legal Authority: 46 USC 7701

CFR Citation: 46 CFR 5

Abstract: Revise and Amend 46 CFR Part 5 to (1) incorporate changes due to recent legislative actions (2) improve clarity and conciseness and (3) make substantive procedural changes.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	48 FR 44851
Final Action	10/00/85	

Small Entity: No

Additional Information: Docket No. CGD 82-002.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: CDR Stansell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2215**

RIN: 2115-AA76

1599. OSV SUBCHAPTER (82-004)

Significance: Agency Priority

Legal Authority: 46 USC 3301(3); 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136

Abstract: Create new 46 CFR subchapter governing Offshore Supply Vessels.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
NPRM	03/00/86	

Small Entity: No

Additional Information: Docket No. CGD 82-004.

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Lt. B. Russell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2160**

RIN: 2115-AA77

1600. SUBCHAPTER "D" & "O" BARGES - INTERNAL INSPECTIONS (82-005)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR 151

Abstract: Change Subchapter "O" Regulation on internal inspection to coincide with drydock interval.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. CGD 82-005.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: CDR Strasser, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AA78

1601. SHIPPING FAIRWAY SYSTEM OFF THE COAST OF CALIFORNIA (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Abstract: Would implement the results of the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has preliminarily determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic separation schemes. No structures would be permitted in the fairway.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043). Disapproval of one section of the proposed system by the International Maritime Organization will require a new study of a limited geographical area and may delay publication of the NPRM.

Analysis: Preliminary RIA 01/00/86

Agency Contact: Mr. C. Young, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AB29

1602. INTERVALS FOR DRYDOCKING AND TAILSHAFT EXAMINATION ON INSPECTED VESSELS (84-024)

Significance: Regulatory Program

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 61; 46 CFR 71; 46 CFR 91; 46 CFR 107; 46 CFR 167; 46 CFR 189; 46 CFR 176

Abstract: Various Coast Guard regulations specify the intervals for drydocking and tailshaft examinations on inspected vessels. The Coast Guard is considering changing these intervals.

DOT—USCG

Current and Projected Rulemakings
Significant

Extending the interval between drydockings, if it could be accomplished without diminishing overall vessel safety, could result in significant savings to vessel operators. The ANPRM sought information from industry on developing technology. This regulation is significant because it involves important departmental safety policy.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19050
NPRM	12/00/85	

Small Entity: Yes

Analysis: Regulatory Evaluation 08/00/85

Agency Contact: LT Potvin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB58

1603. SAFETY RULES FOR VESSELS ENGAGED IN CHEMICAL WASTE INCINERATION AT SEA (84-025)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 153

Abstract: Would establish safety rules for the design of vessels engaged in the incineration of chemical wastes at sea. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: LCDR D. B. Crawford, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AB60

1604. USER FEES FOR COAST GUARD SERVICES (84-026)

Significance: Regulatory Program

Legal Authority: 31 USC 9701; 46 USC 3306; 46 USC 3703; 49 USC 108

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100; 46 CFR 159

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to the extent practicable. This rulemaking is significant because it will set precedent for a whole range of anticipated Coast Guard initiatives and is likely to create an adverse public reaction. It may also involve substantial cost.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Additional Information: This proposal is being held pending action on legislative proposals which could give the Coast Guard expanded authority to collect user fees.

Agency Contact: Mr. J. Kursban, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2430

RIN: 2115-AB73

1605. ● VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE COMMUNICATIONS ON THE GREAT LAKES (84-040)

Significance: Agency Priority

Legal Authority: 33 USC 1201; 33 USC 1202; 33 USC 1203; 33 USC 1204; 33 USC 1205; 33 USC 1206; 33 USC 1207; 33 USC 1208

CFR Citation: 33 CFR 26

Abstract: Recreational boat use of Channel 16, a distress and safety frequency on the Great Lakes, has become so great that commercial vessels have been having difficulty communicating navigational information. The Coast Guard is considering making modifications to the existing radiotelephone requirements.

Timetable:

Action	Date	FR Cite
Request for comments	07/06/84	49 FR 27786

Next Action Undetermined

Small Entity: No

Agency Contact: LCDR C. Bell, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 245-0108

RIN: 2115-AB89

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Current and Projected Rulemakings
Nonsignificant

1606. VTS HOUSTON-GALVESTON, TX (74-029)

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 161

Abstract: Would make mandatory a new voluntary vessel traffic service.

Timetable:

Action	Date	FR Cite
NPRM	09/18/80	45 FR 62158

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 74-029.

Analysis: Regulatory Evaluation 09/18/80

Agency Contact: Mr. E. LaRue, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-5116

RIN: 2115-AA07

1607. REVIEW: FIXED FIRE EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
Final Action Effective	03/00/86	

Small Entity: No

Additional Information: Docket No. CGD 74-284.

Analysis: Regulatory Evaluation 04/19/82

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AA08

1608. REVIEW: STABILITY STANDARDS FOR HOPPER DREDGES (76-080)

Legal Authority: 46 USC 88; 46 USC 362; 46 USC 367

CFR Citation: 46 CFR 42; 46 CFR 45

Abstract: Would permit a deeper load line assignment for hopper dredges which meet the proposed damage stability standards.

Timetable:

Action	Date	FR Cite
NPRM	12/10/79	44 FR 70791
Final Action	10/04/85	

Small Entity: No

Additional Information: Docket No. CGD 76-080. Alternative procedure under consideration.

Analysis: Regulatory Evaluation 12/10/79

Agency Contact: LCDR Letourneau, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2187

RIN: 2115-AA11

1609. REVIEW: CONSTRUCTION AND EQUIPMENT; EXISTING SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (77-069)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Abstract: Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the International Maritime Organization (IMO). These amended regulations would increase safety levels for existing ships carrying gas.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/77	42 FR 33353
NPRM	03/14/85	50 FR 10264
Final Action	12/00/85	

Small Entity: No

Additional Information: Docket No. 77-069.

Analysis: Regulatory Evaluation 03/14/85 (50 FR 10264)

Agency Contact: Ms. K. Barylski, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA00

1610. REQUIREMENT FOR FIRST PURCHASER LIST KEPT BY BOAT DEALERS (77-115)

Legal Authority: 46 USC 1464

CFR Citation: 33 CFR 179

Abstract: Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert for safety defects.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 77-115.

Analysis: Regulatory Evaluation 12/29/80

Agency Contact: Mr. Ellison, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1065

RIN: 2115-AA16

1611. REVIEW: MISCELLANEOUS CHANGES TO 46 CFR 56 (77-140)

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 56

Abstract: Would update Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems have become obsolete as a result of technological developments and changes in cited codes and standards.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period Begin	01/09/85	
NPRM Comment Period End	03/11/85	
Comment Period Extension	03/21/85	50 FR 11397
Final Action	06/00/86	

Small Entity: No

Additional Information: Docket No. CGD 77-140.

Analysis: Regulatory Evaluation 01/09/85

Agency Contact: Mr. F. Weidner, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2160

RIN: 2115-AA17

1612. RECEPTION FACILITIES (78-035)

Legal Authority: 33 USC 1905

CFR Citation: 33 CFR 154

Abstract: Would require ports and terminals to ensure waste reception facilities are provided to receive vessel oil and chemical wastes.

Timetable:

Action	Date	FR Cite
ANPRM	03/24/83	48 FR 12395
NPRM	06/19/84	49 FR 25196
Final Action	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 78-035.

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: LT Davison, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9578

RIN: 2115-AA21

1613. LIQUEFIED NATURAL GAS WATERFRONT FACILITY (78-038)

Legal Authority: 50 USC 191; 33 USC 1224

CFR Citation: 33 CFR 126

Abstract: Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Materials Transportation Bureau, RSPA.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/78	43 FR 34362
Supplementary ANPRM	03/08/79	44 FR 12693
NPRM	09/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 78-038.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: LT Davison, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9579

RIN: 2115-AA22

1614. REVIEW: PRIVATE AIDS TO NAVIGATION AND STATE AIDS TO NAVIGATION (78-157)

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 5 USC 610

CFR Citation: 33 CFR 66

Abstract: Would codify and clarify the regulations concerning State and private aids to navigation to allow electronic private aids.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 78-157.

Agency Contact: Mr. Zacharias, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1974

RIN: 2115-AA27

1615. REVIEW: AIDS TO NAVIGATION - GENERAL INTERFERENCE WITH, DAMAGES TO AND CHARGES FOR AIDS TO NAVIGATION (78-159)

Legal Authority: 14 USC 81; 14 USC 87; 14 USC 92

CFR Citation: 33 CFR 60; 33 CFR 62; 33 CFR 66; 33 CFR 70; 33 CFR 74; 33 CFR 76

Abstract: Would codify, revise and clarify the existing regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 78-159.

Analysis: 00/00/00

Agency Contact: Mr. Blaney, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1973

RIN: 2115-AA28

1616. APPROVAL OF INFLATABLE PERSONAL FLOTATION DEVICES (PFDS) (78-174)

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4102; 46 USC 4302

CFR Citation: 46 CFR 160

Abstract: Would establish performance standards for inflatable and hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period Begin	05/29/85	
NPRM Comment Period End	07/15/85	
Interim Final Rule	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 78-174.

Analysis: Regulatory Evaluation 05/29/85 (50 FR 21862)

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AA29

1617. CRANE OPERATOR QUALIFICATIONS AND STANDARDS FOR OFFSHORE CRANE DESIGN INSPECTION, TESTING AND OPERATION (79-059)

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Abstract: Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 79-059.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: LT. W. Burke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2307

RIN: 2115-AA34

1618. DEEPWATER PORT LIABILITY FUND REQUIREMENTS (79-158)

Legal Authority: 33 USC 1509; 33 USC 1517

CFR Citation: 33 CFR 137; 33 CFR 150

Abstract: Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites.

Timetable:

Action	Date	FR Cite
NPRM	10/02/80	45 FR 67708
Interim Final Rule	06/24/82	47 FR 27478
Final Action	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 79-158.

Analysis: Regulatory Evaluation 06/24/82

Agency Contact: Mr. F. Martin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 472-5052

RIN: 2115-AA41

1619. MODIFICATION TO LINE THROWING DEVICE REQUIREMENTS (79-160)

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 33; 46 CFR 75; 46 CFR 78; 46 CFR 94; 46 CFR 97; 46 CFR 108;

46 CFR 160; 46 CFR 167; 46 CFR 192; 46 CFR 196

Abstract: Would modify the regulation requiring a line throwing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages. This project is to be withdrawn due to adverse comments received during the NPRM stage.

Timetable:

Action	Date	FR Cite
NPRM	12/11/80	45 FR 81616
To be withdrawn	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 79-160.

Analysis: Regulatory Evaluation 12/11/80

Agency Contact: LT Gold, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2183

RIN: 2115-AA42

1620. LAUNCHING DEVICES FOR LIFERAFTS (79-168)

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Abstract: Proposed specification for approval of devices used for launching inflatable liferafts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: Docket No. CGD 79-168.

Analysis: Regulatory Evaluation 08/00/85

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1445

RIN: 2115-AA45

1621. INFLATABLE LIFERAFT STABILITY (80-113)

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Abstract: Would provide specific rules for function, size, and placement of stability appendages.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/81	46 FR 33341
NPRM	01/11/85	50 FR 1538
NPRM Comment Period Begin	01/11/85	
NPRM Comment Period End	04/11/85	
Final Action	01/00/86	

Small Entity: No

Additional Information: Docket No. CGD 80-113.

Analysis: Regulatory Evaluation 01/11/85

Agency Contact: Mr. M. Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1445

RIN: 2115-AA50

1622. MANEUVERING PERFORMANCE REGULATIONS (80-136)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1

Abstract: Would establish requirements to improve ship maneuvering and stopping ability for new tank vessels and possibly all vessels in response to mandates in 46 USC 3703. International Maritime Organization recommendations will be considered.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/81	46 FR 45631
ANPRM	07/17/84	49 FR 28893
NPRM	03/00/86	

Small Entity: No

Additional Information: Docket No. CGD 80-136. Supplemental ANPRM published 7/17/84, 49 FR 28893.

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Mr. J. Spencer, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2188

RIN: 2115-AA53

1623. DAMAGE STABILITY AND FLOODING PROTECTION STANDARDS FOR GREAT LAKES BULK DRY CARGO VESSELS (80-159)

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 45; 46 CFR 93

Abstract: Would require a level of subdivision for new ships which is at least equivalent to that required for Maritime Administration construction loan guarantees. Would reduce the risk of catastrophic sinking and increase the time available to utilize recently improved survival gear.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/83	48 FR 8312
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. CGD 80-159.

Analysis: Preliminary RIA 09/00/85

Agency Contact: LCDR Letourneau, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2187

RIN: 2115-AA01

1624. SERVICING INFLATABLE LIFERAFTS (81-010)

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160

Abstract: Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine Inspectors.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-010.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: LT Keegan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AA57

1625. PERSONAL FLOTATION DEVICES (81-023)

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Abstract: Revokes an obsolete provision and makes several editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 81-023.

Analysis: Regulatory Evaluation 04/12/82

Agency Contact: Mr. R. Franseen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-0108**

RIN: 2115-AA58

1626. AUTOMATED VITAL SYSTEMS (81-030)

Legal Authority: 46 USC 3306; 46 USC 8105

CFR Citation: 46 CFR 62

Abstract: Would implement the provisions for periodically unattended machinery spaces and automated machinery in the 1974 SOLAS Amendments and the guidance on system design in the Coast Guard Navigation and Inspection Circular on Automated Main and Auxiliary Machinery.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-030.

Analysis: Regulatory Evaluation 11/00/85

Agency Contact: LT Randall, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2206**

RIN: 2115-AA59

1627. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Legal Authority: 33 USC 401

CFR Citation: 33 CFR 115

Abstract: Would establish rules for issuing general bridge permits.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
Final Action	11/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-057.

Analysis: Regulatory Evaluation 11/00/85

Agency Contact: Mr. J. Schwartz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 755-7620**

RIN: 2115-AA61

1628. ● LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-596)

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114; ...

CFR Citation: 46 CFR 10; 46 CFR 15

Abstract: This project resulted from comments received on Coast Guard proposed rulemaking 81-59, Licensing of Officers and Motorboat Operators and Registration of Staff Officers which is contained in this agenda under another listing. The comment suggested that licensing of officers on Mobile Offshore Drilling Units be discussed in a separate rulemaking. This project is the result of those suggestions. The project would establish licensing requirements for officers on Mobile Drilling Units.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	09/00/85	

Small Entity: No

Additional Information: This project was split from Coast Guard docker 81-059, Licensing of Officers and Motorboat Operators and Registration of Staff Officers. That project is listed elsewhere in this agenda with the RIN 2115-AA64.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: CDR G. Naccara, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 426-2240**

RIN: 2115-AB91

1629. SHIPPING SAFETY FAIRWAY AMENDMENTS, GULF OF MEXICO (81-080)

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166

Abstract: The Coast Guard is proposing to amend existing shipping fairways and to establish new fairway anchorages in the Gulf of Mexico. The fairway modifications and anchorages are necessary to provide for safe access routes in areas of high traffic density and offshore structures.

Timetable:

Action	Date	FR Cite
NPRM	08/09/82	47 FR 34432
Supplemental NPRM	03/30/84	49 FR 12715
Supplemental NPRM	05/03/84	49 FR 18870
Final Action	09/00/85	

Small Entity: No

Additional Information: This supplementary NPRM continues an action originated in 1982 which proposed changes to part 166. A final rule was published on 6/30/83 promulgating only editorial changes to part 166. This NPRM contains specific proposals for changes to fairways and anchorages.

Analysis: Regulatory Evaluation 08/09/82

Agency Contact: Mr. C. Young, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AB57

1630. GENERAL REVISION OF 46 CFR 151, BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES (81-082)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151

Abstract: Would revise the rules for barges carrying bulk cargoes by clarifying the language, eliminating unnecessary requirements and upgrading some existing requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/84	49 FR 23085
NPRM	12/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-082.

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: R.M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA70

1631. TANK VESSELS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK; POLLUTION PREVENTION AND CONTROL, EQUIPMENT AND OPERATIONAL REQUIREMENTS (81-101)

Legal Authority: 33 USC 1901 et seq.

CFR Citation: 33 CFR 157; 46 CFR 153

Abstract: Would limit and restrict the discharge of noxious liquid substances made by chemical tankers.

Timetable:

Action	Date	FR Cite
ANPRM	01/13/82	48 FR 1519
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-101.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Mr. R.M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA73

1632. FAIRWAYS ON THE SOUTHERN COAST OF ALASKA (81-103)

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166

Abstract: Would establish fairways on the southern coast of Alaska implementing the result of a Port Access Route Study.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Additional Information: Docket No. CGD 81-103.

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Mr. C. Young, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 245-0108

RIN: 2115-AA74

1633. FEES FOR NUMBERING OF UNDOCUMENTED VESSELS (82-001)

Legal Authority: 46 USC 1472

CFR Citation: 33 CFR 173

Abstract: Would raise fees for the numbering of undocumented vessels in areas where the Coast Guard is the issuing authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-001.

Agency Contact: Mr. R. Franseen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-0108

RIN: 2115-AA75

1634. CASUALTY REPORTING REQUIREMENTS FOR RECREATIONAL BOATS (82-015)

Legal Authority: 46 USC 1486

CFR Citation: 33 CFR 173; 33 CFR 174

Abstract: Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-015.

Agency Contact: Mr. R. Franseen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-0108

RIN: 2115-AA82

1635. GENERAL REVISIONS OF POLLUTION PREVENTION REGULATIONS FOR TANKERS

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Abstract: Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: This project is related to CGD 82-028, Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing. Any further action on this project must wait until the rulemaking process for CGD 82-028 is completed because any policy decisions that result will be applicable to this rulemaking.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: LCDR Lantz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AA88

1636. HAND HELD FLASHLIGHTS. INDEPENDENT INSPECTION AGENCIES (82-042)

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Abstract: Would remove two-cell flashlight requirements, and revise material and testing requirements in flashlight approval specification.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-042.

Agency Contact: Mr. T. Noran, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2206

RIN: 2115-AA91

1637. AIDS TO NAVIGATION ON OUTER CONTINENTAL SHELF (82-054)

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Abstract: Would allow manufacturer certification of lights for marking artificial islands and fixed structures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: Docket No. 82-054.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: LT Hayden, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1973

RIN: 2115-AA92

1638. NATURAL VENTILATION REGULATIONS FOR SMALL BOATS (82-056)

Legal Authority: 46 USC 1454

CFR Citation: 33 CFR 183

Abstract: Would replace existing regulations with voluntary industry standard.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 82-056.

Agency Contact: Mr. L. Gray, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4027

RIN: 2115-AA94

1639. UPDATE BULK LIQUEFIED GAS TANKER REQUIREMENTS (82-058)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Abstract: Would update and revise standards for self-propelled vessels carrying bulk liquefied gases.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: Docket No. 82-058.

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: Ms. Barylski, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA95

1640. VISUAL DISTRESS SIGNALS-STROBE LIGHTS (82-084)

Legal Authority: 46 USC 1454

CFR Citation: 33 CFR 175

Abstract: Would add strobe lights as an optional carriage item for inland rule waters.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-084.

Agency Contact: Mr. R. Franseen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1080

RIN: 2115-AB18

1641. NAUTICAL SCHOOLS: IMPLEMENTING THE MARITIME EDUCATIONAL TRAINING ACT OF 1980 (82-092)

Legal Authority: 46 USC 3306; 46 USC 12959(e)

CFR Citation: 46 CFR 166; 46 CFR 167; 46 CFR 168

Abstract: Would update authority cites for Nautical Schools Inspection Regulations (46 CFR Subchapter "R") and update certain parts to conform with current inspection policies. Nautical School vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons would be subject to inspection for the first time.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. CGD 82-092.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: LCDR Morani, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB21

1642. DOCUMENTATION OF VESSELS; CONTROLLING INTEREST (82-105)

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Abstract: Solicits comments on the term "controlling interests" for the purpose of documenting vessels owned by partnerships.

Timetable:

Action	Date	FR Cite
ANPRM	11/12/82	47 FR 51170
NPRM	07/16/84	49 FR 28744
NPRM Comment Period Begin	07/16/84	49 FR 35967
NPRM Comment Period End	10/15/84	
Final Action	11/00/85	

Small Entity: Undetermined

Additional Information: Docket No. CGD 82-105. Comment period extended 9/13/84.

Analysis: Regulatory Evaluation 07/16/84

Agency Contact: Mr. J. A. Yglesias, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1492

RIN: 2115-AB27

1643. SAILING SCHOOL VESSEL REGULATIONS (83-005)

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 169

Abstract: Would generate a new set of inspection regulations for sailing school vessels as mandated by the Sailing School Vessel Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/24/84	49 FR 49974
NPRM Comment Period Begin	12/24/84	
NPRM Comment Period End	02/22/85	
Final Action	10/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 83-005.

Analysis: Regulatory Evaluation 12/24/84 (49 FR 49974)

Agency Contact: LT Astley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB32

1644. REVOCATION OF MILITARY EXPLOSIVES REGULATIONS (83-006)

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808; 46 USC 170

CFR Citation: 46 CFR 146

Abstract: Would revoke 46 CFR concurrently with the Research and Special Programs Administration's Materials Transportation Bureau (MTB) rulemaking and revise other sections in Title 46 accordingly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 83-006. To be published concurrently with Materials Transportation Board rulemaking.

Analysis: Regulatory Evaluation 00/00/00

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1577

RIN: 2115-AB33

1645. CARRIAGE AND USE OF LIQUEFIED OR NON-LIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Abstract: Proposed requirements for the use of liquefied flammable gas as cooking fuel.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
Supplemental NPRM	10/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 83-013.

Analysis: Draft RFA 03/22/84; Regulatory Evaluation 03/22/84 (49 FR 10685)

Agency Contact: LCDR Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB35

1646. REASSESSMENT OF COAST GUARD FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR Subchapter D; 46 CFR Subchapter H; 46 CFR Subchapter I

Abstract: Would bring Coast Guard regulations into agreement with the international requirements of SOLAS 1974 and its amendments.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period Begin	10/01/84	
ANPRM Comment Period End	11/30/84	
NPRM	12/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-026. Incorporates part of docket CGD 81-090.

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: Mr. D. Kerlin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2197

RIN: 2115-AB36

1647. INDEPENDENT LABORATORY INSPECTION OF LIFESAVING EQUIPMENT (83-030)

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 159; 46 CFR 160

Abstract: Would establish independent laboratory inspection of lifeboats, liferafts, and launching equipment to replace Coast Guard inspection.

Timetable:

Action	Date	FR Cite
NPRM	08/27/84	49 FR 38151
NPRM Comment Period Begin	08/27/84	
NPRM Comment Period End	12/26/84	
Final Action	10/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-030.

Analysis: Regulatory Evaluation 08/27/84 (49 FR 38151)

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AB38

1648. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS -- INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR Subchapter F

Abstract: Would effect a general reassessment of Subchapter F and incorporation of international requirements becoming effective 1 Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: Docket No. CGD 83-043.

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: LCDR Koski, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2160**

RIN: 2115-AB41

1649. COMPATIBILITY OF CARGOES (83-047)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 150

Abstract: Would consolidate requirements for compatible storage of bulk liquid hazardous materials on tank vessels; would update table from April 14, 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1551
NPRM Comment Period Begin	01/11/85	
NPRM Comment Period End	02/11/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-047.

ADDITIONAL LEGAL AUTHORITY: 48 CFR 1.46(t) also applies.

Analysis: Regulatory Evaluation 02/00/85

Agency Contact: Dr. M. Parnorouskis, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-6262**

RIN: 2115-AB49

1650. EDITORIAL CHANGES TO TITLE 46 CFR RESULTING FROM P.L. 98-89 (83-067)

Legal Authority: PL 98-89

CFR Citation: 46 CFR Chapter 1

Abstract: Would amend Title 46, CFR to reflect 46 U.S.C. citations for marine safety laws consolidated and reenacted by P.L. 98-89.

Timetable:

Action	Date	FR Cite
First Rule	10/04/84	49 FR 39161
Second Rule	01/11/85	50 FR 1524
Third Rule	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-067.

This is an ongoing project which will include numerous revisions to the citations. Accordingly there will be several final rules published under the same docket number.

Analysis: Regulatory Evaluation 10/04/84 (49 FR 39161)

Agency Contact: LCDR D. Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2197**

RIN: 2115-AB54

1651. SIMPLIFIED ADMEASUREMENT (83-070)

Legal Authority: PL 96-594

CFR Citation: 46 CFR 69

Abstract: This project would unify various separate parts in 46 CFR dealing with admeasurement.

Timetable:

Action	Date	FR Cite
NPRM	03/18/85	50 FR 10803
Final Action	12/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-070.

Analysis: Regulatory Evaluation 03/18/85 (50 FR 10803)

Agency Contact: Mr. Lewis, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2192**

RIN: 2115-AB51

1652. REQUIREMENTS FOR MOBILE OFFSHORE DRILLING UNITS (83-071)

Legal Authority: 46 USC 2104; 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR Subchapter I-A; 46 CFR 109; 46 CFR 170; 46 CFR 174

Abstract: This project would generally update the regulations pertaining to mobile offshore drilling units. These regulations have not been updated since 1978 and need to reflect provisions of the Outer Continental Shelf Lands Act Amendments of 1978 and 1982 and the treaty for Safety of Life at Sea (1974), which has been accepted by the United States.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22836
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-071.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: LT. V. Mihal, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2160**

RIN: 2115-AB56

1653. ● MOBILE OFFSHORE DRILLING UNIT REGULATIONS REVISION (83-071A)

Legal Authority: 46 USC 86; 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3318

CFR Citation: 46 CFR 56; 46 CFR 58; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 111; 46 CFR 174

Abstract: This project would revise the regulations in subchapter I-A to clarify them, bring them up to date, delete some unnecessary requirements, and incorporate the recommendations developed from major casualties. These changes are largely editorial in nature.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/85	50 FR 11741
ANPRM Comment Period Begin	03/25/85	
Extension of Comment Period	05/16/85	50 FR 20461
ANPRM Comment Period End	09/23/85	
NPRM	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: LCDR Bills, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 426-5160**

RIN: 2115-AB88

1654. AMENDMENTS TO BRIDGE LIGHTING REQUIREMENTS (84-022)

Legal Authority: 33 USC 494; 33 USC 499

CFR Citation: 33 CFR 117; 33 CFR 118

Abstract: Would provide regulatory standards for prescribing or approving signals other than lighting on bridges.

Timetable:

Action	Date	FR Cite
NPRM	01/31/85	50 FR 4529
Final Action	11/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 01/31/85 (50 FR 4529)

Agency Contact: Mr. A. Meschter, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-0942

RIN: 2115-AB62

1655. DOCUMENTATION OF VESSELS, HAILING PORT MARKINGS (84-027)

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Abstract: Solicits comments on whether regulations requiring marking of hailing port on vessels should be continued and, if so, what changes should be made in methods for determining port to be marked.

Timetable:

Action	Date	FR Cite
ANPRM	05/17/84	49 FR 20872
NPRM	11/19/84	49 FR 45623
NPRM Comment Period Begin	11/19/84	49 FR 45623
NPRM Comment Period End	02/19/85	
Final Action	12/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 11/19/84 (49 FR 45623)

Agency Contact: LCDR Meeks, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1492

RIN: 2115-AB64

1656. MARINE PORTABLE TANKS (84-043)

Legal Authority: 49 USC 1801

CFR Citation: 46 CFR 64

Abstract: This proposal would discontinue the Coast Guard specification for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1577

RIN: 2115-AB69

1657. SHIPS' STORES AND SUPPLIES OF HAZARDOUS MATERIALS (84-044)

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 147

Abstract: Would apply rules for hazardous materials used as ships' stores to offshore structures as well as vessels. Also would reduce the burden on shippers and manufacturers by deleting the requirement for separate Coast Guard classification of Ships' Stores and adopting the classification and identification provisions of the Research and Special Programs Administration found in 49 CFR Subchapter C which are already required for the transportation of hazardous materials.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
NPRM	12/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: Ms. A. Fante, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1577

RIN: 2115-AB65

1658. ● EXCEPTION OF UNMANNED BARGES FROM COLREGS VERTICAL SECTOR LIGHT REQUIREMENTS (84-049)

Legal Authority: 33 USC 180; 33 USC 258; 33 USC 322

CFR Citation: 33 CFR 81

Abstract: Annex I of the International Regulations for Preventing Collisions at Sea, 1972. (COLREGS), contains technical requirements for navigation lights on vessels which proceed beyond the COLREGS demarcation lines. Lights on unmanned barges may not be able to meet the vertical sector requirements due to lack of electricity producing equipment on board these vessels. The Coast Guard is considering the need to exempt unmanned barges from the requirements.

Timetable:

Action	Date	FR Cite
Request for Comments	07/06/84	49 FR 27786

Next Action Undetermined

Small Entity: No

Agency Contact: LCDR C. Bell, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 245-0103

RIN: 2115-AB90

1659. OIL-WATER INTERFACE DETECTORS (CGD 84-052)

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 162

Abstract: This project would propose a new specification for approval of oil-water interface detectors presently required by Annex 1 of MARPOL 73/78.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Lt. T. Keegan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AB66

1660. LICENSING OF PILOTS-MANNING OF VESSELS-PILOTS (84-060)

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 157; 46 CFR 10.05-39

Abstract: This proposal would define "pilotage waters" and "coastwise seagoing vessel." In addition, it would increase the gross tonnage authorization of licensed officers to serve as pilot on self-propelled coastwise seagoing vessels from 1,000 gross tons to 1,600 gross tons.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
Final Action	04/00/86	

Small Entity: No

Additional Information: This proposal has been split from a previously published NPRM identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04. The project is considered significant because of its far-reaching impact on licensed officers.

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Agency Contact: Mr. J. Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2985**

RIN: 2115-AB67

1661. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Legal Authority: 46 USC 3306(a); 46 USC 4102; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AB70

1662. LIFESAVING EQUIPMENT--IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Legal Authority: 46 USC 3306

CFR Citation: 33 CFR 175; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 which come into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify and reduce redundancy.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period Begin	12/31/84	
ANPRM Comment Period End	03/01/85	
NPRM	11/00/85	

Small Entity: No

Additional Information: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Analysis: Regulation Evaluation 11/00/85

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AB72

1663. ACCOMMODATIONS, RAILS AND GUARDS (84-073)

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 3703; 46 USC 10104

CFR Citation: 46 CFR 32; 46 CFR 77; 46 CFR 96; 46 CFR 195

Abstract: This proposal would eliminate duplicative regulations and clarify language in certain areas.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Lt. V. Mihal, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2197**

RIN: 2115-AB68

1664. ● SAFETY RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (84-085)

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 153

Abstract: This project would incorporate amendments to the Intergovernmental Maritime Organization into part 153, make some editorial improvements in the part's language and organization, and make minor substantive corrections.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 11/00/85

Agency Contact: Mr. R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 426-1217**

RIN: 2115-AB92

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
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DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Current and Projected Rulemakings
Nonsignificant: Routine and Frequent

1665. SAFETY/SECURITY ZONE REGULATIONS

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current.

Total actions expected to range from 11/85 to 3/86.

DOT—USCG

Current and Projected Rulemakings
Nonsignificant: Routine and Frequent

Timetable:

Action	Date	FR Cite
Total actions expected to end	03/00/86	

Small Entity: No

Agency Contact: CAPT Moran, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-5116

RIN: 2115-AA97

1666. ANCHORAGE AREA REGULATIONS

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 11/85 to 3/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	03/00/86	

Small Entity: No

Agency Contact: Mr. L. Manoliades, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-5116

RIN: 2115-AA98

1667. DRAWBRIDGE REGULATIONS

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected - 50. Action dates range from 11/85 to 03/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	03/00/86	

Small Entity: No

Agency Contact: Mr. Meschter, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1380

RIN: 2115-AA99

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Existing Regulations Under Review
Nonsignificant

1668. REGULATORY FLEXIBILITY ACT REVIEWS

Legal Authority: 5 USC 610

CFR Citation: 33 CFR 1 to 199; 46 CFR 1 to end

Abstract: In accordance with the Regulatory Flexibility Act, the Coast Guard has been publishing a list of regulations in the Agenda which have been using the Small Business Administration definition of a small entity. The Coast Guard is now considering developing its own definition.

Timetable:

Action	Date	FR Cite
Begin Review	06/29/81	46 FR 33404
End Review	02/00/86	

Small Entity: Yes

Additional Information: Review in Process.

Agency Contact: Mr. Bruce Novak, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1477

RIN: 2115-AB01

1669. VESSEL REPORTING REQUIREMENTS

Legal Authority: 46 USC 391a

CFR Citation: 33 CFR 161

Abstract: These regulations were developed and promulgated pursuant to the Port and Tanker Safety Act. They require vessel owners to report their locations, arrivals and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past have opposed these regulations. These regulations are being reviewed because of their controversy and impact on the barge and towing industry.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	12/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/86

Agency Contact: LT Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 755-1357

RIN: 2115-AB28

1670. LOGBOOK ENTRIES, CARGO VESSELS

Legal Authority: 46 USC 2104; 46 USC 201; 46 USC 11304

CFR Citation: 46 CFR 97.35

Abstract: The regulations list requirements for keeping logbooks on Cargo Vessels. This review is part of the Coast Guard's ongoing program to periodically review all regulations for costs and effectiveness.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	06/00/86	

Small Entity: No

Agency Contact: CDR. W. Tweedie, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB45

1671. SPECIAL OPERATING REQUIREMENTS, UNINSPECTED VESSELS

Legal Authority: 46 USC 2104; 46 USC 523p; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 26.03

Abstract: Contains requirements for action to be taken in emergencies. This review is being conducted in accordance with requirements in the Regulatory Flexibility Act because it affects small entities.

DOT—USCG

Existing Regulations Under Review
Nonsignificant

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/00/86	

Small Entity: Yes

Agency Contact: CDR R. Tweedie, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB47

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Completed Actions
Significant

COMPLETED RULEMAKINGS

1672. REVIEW: LICENSING OF PILOTS; MANNING OF VESSELS--PILOTS (77-084)

Significance: Agency Priority

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 7301

CFR Citation: 46 CFR 10; 46 CFR 157

Abstract: This proposal would: (1) set the minimum age requirement of 21 years, (2) reflect the statutory requirement that requires pilots to have an annual physical examination, (3) change the experience requirement for a tonnage endorsement of "any gross tons," (4) require pilots to maintain knowledge of the routes on their licenses, (5) maintain the authority of the Coast Guard to establish limitations on licenses.

Timetable:

Action	Date	FR Cite
NPRM	11/28/80	45 FR 79258
Supplemental NPRM	01/27/83	48 FR 3912
Notice of Additional Hearings and Extension of Comment Period	06/30/83	48 FR 30152
Public Hearings 06/08/83 to	07/06/83	
Notice of Reopening and Extension of Comment Period	10/13/83	48 FR 46556
Supplemental NPRM	10/13/83	48 FR 46556
Final Action	06/24/85	50 FR 26106

Small Entity: No

Additional Information: Docket No. CGD 77-084. A Regulatory Analysis and Work Plan were completed in October 1978. NPRM published November 28, 1980 (45 FR 79258). Public hearings were held in January and February 1981. A SNPRM was published January 27, 1983 (48 FR 3912). Notice of Public Hearings; Reopening and Extension of Comment Period was published May 9, 1983 (48 FR 20770). Notice of additional public hearing and extension of comment period was published June 30, 1983 (48 FR 30152). Public hearings were held in June and July 1983. Extension and reopening of comment period was published October 13, 1983 (48 FR 46556).

Analysis: Regulatory Evaluation 06/24/85 (50 FR 26106)

Agency Contact: Mr. J. Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2985

RIN: 2115-AA04

1673. SEGREGATED BALLAST, DEDICATED CLEAN BALLAST, AND CRUDE OIL WASHING ON EXISTING TANK VESSELS OF 20,000 TO 40,000 DEADWEIGHT TONS (82-028)

Significance: Agency Priority

Legal Authority: 46 USC 3705(c); 46 USC 3706(d); 46 USC 2104; 46 USC 3306

CFR Citation: 33 CFR 157

Abstract: This project would amend 33 CFR pt. 157 for the purpose of implementing the tanker construction and equipment standards in 46 USC 3705(c) and 46 USC 3706(d). These statutes require tank vessels of 20,000 to 40,000 DWT that are 15 years old or older to have segregated ballast tanks, dedicated clean ballast tanks or a crude oil washing system by January 1, 1986 or the date they reach 15 years of age; whichever occurs later. This rulemaking is considered significant because of the economic impact of the statute on industry, and Congressional and Administration interest. It is needed because implementing standards mandated by the Port and Tanker Safety Act, will reduce operational pollution from ballasting, tank cleaning and sludge removal on existing tank vessels that are 15 years old or older.

Timetable:

Action	Date	FR Cite
Notice of Intent to Develop Regs	03/18/82	47 FR 11724
Notice of Intent Comment ends	05/03/82	
NPRM	01/24/84	49 FR 2998
Supplemental Information	11/26/84	49 FR 46440
Final Action	03/22/85	50 FR 11622

Small Entity: No

Additional Information: A notice of intent to develop regulations under this docket was published on March 18, 1982 (47 FR 11724). Comment period on Notice of intent closed May 3, 1983.

Analysis: Final RIA 03/22/85 (50 FR 11622); Environmental Impact Statement 03/22/85 (50 FR 11622)

Agency Contact: Lt. Lantz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AA05

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Completed Actions
Nonsignificant

COMPLETED RULEMAKINGS

1674. LIFESAVING SYSTEMS FOR GREAT LAKES VESSELS (77-202)

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR Subchapter D; 46 CFR Subchapter H; 46 CFR Subchapter I; 46 CFR Subchapter T; 46 CFR Subchapter Q

Abstract: Would amend regulations for lifeboats and other equipment to improve chances of personnel survival following abandonment of vessel.

Timetable:

Action	Date	FR Cite
Terminated	06/21/85	

Small Entity: No

Additional Information: Docket No. CGD 77-202. Incorporated in separate rulemaking project CGD 84-069

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1445

RIN: 2115-AA19

1675. VESSEL PERSONNEL LICENSING AND CERTIFICATION STANDARDS OF FOREIGN COUNTRIES (79-081)

Legal Authority: 46 USC 9101

CFR Citation: 46 CFR 30

Abstract: Establishes procedures for verification of training, qualification and watchkeeping standards of personnel serving on foreign tank vessels.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/07/80	45 FR 23425
Terminated	06/21/85	

Small Entity: No

Additional Information: Docket No. CGD 79-081(a).

Analysis: Regulatory Evaluation 04/07/80

Agency Contact: LCDR G. Naccara, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2240

RIN: 2115-AA36

1676. SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS AND BULK LIQUEFIED GASES (81-052)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1; 46 CFR 153; 46 CFR 154

Abstract: Would revise application and examination procedures by which foreign vessels carrying chemicals and liquified gases obtain a letter of compliance (LOC).

Timetable:

Action	Date	FR Cite
NPRM	05/10/82	47 FR 20084
Final Action	03/07/85	50 FR 8730
Final Action Effective	04/07/85	
Correction	04/23/85	50 FR 15895

Small Entity: No

Additional Information: Docket No. CGD 81-052.

Analysis: Regulatory Evaluation 03/07/85 (50 FR 8730)

Agency Contact: Mr. E. Pfersich, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA62

1677. RELOCATION OF BOUNDARY LINES (81-058)

Legal Authority: 33 USC 151

CFR Citation: 46 CFR 7

Abstract: Would relocate boundary lines in Part 46 CFR Part 7 in accordance with PL 96-324.

Timetable:

Action	Date	FR Cite
NPRM	06/07/82	47 FR 24604
SNPRM	09/15/83	48 FR 41454
Comment Period reopened	03/00/84	49 FR 908
SNPRM	08/13/84	49 FR 32229
Final Action	06/18/85	50 FR 25229

Small Entity: No

Additional Information: Public hearings were held 10/18/83 and 10/26/83 and a meeting was held on 1/17/84 with the TSAC working group. Comment period reopened until 3/1/84 (49 FR 908).

Analysis: Regulatory Evaluation 06/18/85 (50 FR 25229)

Agency Contact: LCDR D. Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AA63

1678. UPDATE OF 46 CFR PART 153 (81-078)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 153

Abstract: Would revise and update 46 CFR part 153 through the ninth set of amendments to the IMO Chemical Code.

Timetable:

Action	Date	FR Cite
NPRM	05/12/83	48 FR 19755
Final Action	05/22/85	50 FR 21166

Small Entity: No

Additional Information: Docket No. CGD 81-078.

Analysis: Regulatory Evaluation 05/22/85 (50 FR 21166)

Agency Contact: Mr. R. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA66

1679. ACCEPTANCE OF ASME BOILERS WITH ASME S, E, A, AND H STAMPS (81-079)

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 52; 46 CFR 53

Abstract: Would delete requirement that Coast Guard review plans and inspect power and heating boilers when stamped with ASME S, E, A, or H symbol stamps.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37441
Supplemental NPRM	11/03/83	48 FR 50781
Final Action	03/08/85	50 FR 9428

Small Entity: No

Additional Information: Docket No. CGD 81-079.

Analysis: Regulatory Evaluation 03/08/85 (50 FR 9428)

DOT—USCG

Completed Actions
Nonsignificant

Agency Contact: Mr. H. Hime, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2160

RIN: 2115-AA67

1680. CASUALTY REPORTING REQUIREMENTS (82-069)

Legal Authority: 43 USC 1333; 43 USC 1348; 33 USC 1509(a)

CFR Citation: 33 CFR 146; 33 CFR 150

Abstract: Would eliminate the cost of salvage, cleaning, gas freeing, and drydocking from damage costs in Title 33.

Timetable:

Action	Date	FR Cite
NPRM	10/19/83	48 FR 48475
Final Action	04/11/85	50 FR 14215

Small Entity: No

Additional Information: Docket No. 82-069a.

Analysis: Regulatory Evaluation 04/11/85 (50 FR 14215)

Agency Contact: LT Diaduk, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1455

RIN: 2115-AB30

1681. EXTEND APPLICABILITY OF CERTAIN WESTERN RIVERS PROVISIONS OF THE INLAND NAVIGATION RULES TO OTHER WATERS (83-028)

Legal Authority: 33 USC 2071

CFR Citation: 33 CFR 94

Abstract: Would designate certain waters upon which rules 9(a)(ii), 15(b), and 24(i) of the Inland Navigation Rules will apply.

Timetable:

Action	Date	FR Cite
NPRM	12/08/83	48 FR 54977
Supplemental NPRM	05/03/84	49 FR 18870
Final Action	08/27/84	49 FR 33875

Small Entity: Yes

Additional Information: Docket No. CGD 83-028.

Analysis: Regulatory Evaluation 08/27/84 (49 FR 33875)

Agency Contact: LCDR Bell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 245-0108

RIN: 2115-AB37

1682. REQUIREMENT FOR FEDERAL PILOTS ON FOREIGN TRADE VESSELS WHERE A PILOT IS NOT REQUIRED BY STATE LAW; STATE OF MAINE (83-044)

Legal Authority: 33 USC 1226

CFR Citation: 33 CFR 161

Abstract: Would require Federally-licensed pilots on certain self-propelled vessels engaged in foreign trade, when operating in several specified areas in the navigable waters of the United States within the State of Maine, where a pilot is not otherwise required by State law.

Timetable:

Action	Date	FR Cite
terminated	07/20/85	

Small Entity: No

Additional Information: Docket No. CGD 83-044.

Agency Contact: Mr. E. LaRue, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-5116

RIN: 2115-AB48

1683. CARGOES OF PARTICULAR HAZARD (84-039)

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 126

Abstract: Would update regulations defining "cargo of particular hazard" to make them consistent with Research and Special Programs Administration (RSPA) definitions found elsewhere in the CFR.

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45597
NPRM Comment Period Begin	11/19/84	49 FR 45597
NPRM Comment Period End	01/03/85	
Final Action	03/04/85	50 FR 8612
Final Action Effective	04/04/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/04/85 (50 FR 8612); Correction 03/00/85 (50 FR 9426)

Agency Contact: LT E. Davison, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9578

RIN: 2115-AB63

1684. RIVER SERVICE DRY CARGO BARGES; LOAD LINE REGULATIONS (84-058)

Legal Authority: 46 USC 88

CFR Citation: 46 CFR 45

Abstract: This proposal would exempt dry cargo river barges operating on short voyages in Lake Michigan from the requirements to obtain a Load Line Certificate.

Timetable:

Action	Date	FR Cite
NPRM	12/14/84	49 FR 48762
NPRM Comment Period Begin	12/14/84	
NPRM Comment Period End	02/12/85	
Final Action	05/09/85	50 FR 19532
Final Action Effective	06/10/85	50 FR 19532

Small Entity: No

Analysis: Regulatory Evaluation 12/14/84

Agency Contact: Lt. R. Fiebrandt, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2606

RIN: 2115-AB71

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

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COMPLETED REVIEWS

1685. EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, LIFEFLOATS, AND BUOYANT APPARATUS FOR PASSENGER VESSELS

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 75.20

Abstract: Regulations require certain specific items of emergency equipment for use in lifeboats, life rafts and so on. This part is being reviewed as part of the Coast Guard's ongoing program of reviewing all existing regulations periodically.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/01/85	
End Review	05/00/85	

Small Entity: No

Additional Information: Review complete. Proposed regulations are listed in this agenda under Coast Guard number 84-069.

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AB42

1686. OCEANOGRAPHIC RESEARCH VESSELS, HANDLING, USE AND CONTROL OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES: MAGAZINES

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 194.10

Abstract: Regulations contain specifications for construction, location and maintenance of explosives magazines. This review is being conducted because these regulations will have an impact on small businesses and as such should be reviewed under the authority of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/07/85	

Small Entity: Yes

Additional Information: Review completed. The review shows no conflict with the Regulatory Flexibility Act and no modifications, will be made to the rules at this time.

Agency Contact: LCDR W. Morani, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB43

1687. ANNUAL INSPECTIONS, PASSENGER VESSELS

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 71.25

Abstract: Regulations contain specific annual inspection requirements and methods of carrying out those inspections. This regulation is being reviewed to see if there may be some way to reduce inspection costs while maintaining or improving levels of safety.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	03/22/85	

Small Entity: No

Additional Information: Review completed. The review concluded that any reduction in existing inspection procedures could result in an unacceptable reduction in safety. As a result, no modifications will be made to the regulations at this time.

Agency Contact: LCDR D. Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB44

1688. GENERAL LIFESAVING REQUIREMENTS, TANK VESSELS

Legal Authority: 46 USC 2104; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 33.01

Abstract: Contains general requirements for construction, maintenance and inspection of life rafts, lifeboats and personal flotation devices. This review is part of the Coast Guard's ongoing program to periodically review all regulations for costs and effectiveness.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/01/85	

Small Entity: No

Additional Information: Review complete. Numerous changes are being made to the regulations under Coast Guard docket number 84-069 listed elsewhere in this agenda.

Agency Contact: CDR D. Strasser, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2190

RIN: 2115-AB46

1689. REVISIONS TO THE ADVANCE NOTICE OF ARRIVAL AND DEPARTURE REGULATIONS (83-048)

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 160; 33 CFR 161

Abstract: This project would remove the reporting requirements for certain dangerous cargoes. The reporting requirements for "cargoes of particular hazard" will be retained, though.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Terminated	06/00/85	

Small Entity: Yes

Additional Information: This regulation is being reviewed in depth. Consequently, it is being moved to the "review" section of this report.

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: LT Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9578

RIN: 2115-AB50

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Part XIV—Continued

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Current and Projected Rulemakings
Significant

(Continued from Book 1)

1690. PARTS MANUFACTURER APPROVALS

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 21; 14 CFR 45

Abstract: Since its inception, the PMA program has been controversial, and that controversy was underscored by several attempts by FAA to change the regulations. Public comment to previous NPRM's suggested FAA disparity in applying PMA rules and confusion among aviation industry members and other Federal agencies concerning both the PMA process as it existed and FAA's proposed changes. The agency withdrew its proposals and assembled a team to study all aspects of the controversy and suggest alternatives for future rulemaking. The report titled "Parts Manufacturer Approval Program Evaluation, Phase I Report" proposes (1) standardizing PMA procedures with or without rulemaking, (2) formalizing the data comparison approval method, (3) pursuing property right legislation for certain data, (4) deregulating aircraft replacement parts, or (5) delegating certain approval aspects back to industry. Regulatory Flexibility Act and Executive Order 12291 analyses are being done as part of Phase II of the study.

Timetable:

Action	Date	FR Cite
NPRM	12/23/75	42 FR 43985
Second NPRM	01/15/81	46 FR 3775
Third NPRM	11/00/85	

Small Entity: Yes

Additional Information: Docket No. 17147. This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062). NPRM's 77-19 through 77-19D withdrawn October 12, 1984 (49 FR 40154). Phase I Report available to the public January 15, 1985 (50 FR 6303). Phase II of the study initiated May 1985 to prepare Regulatory Flexibility Act and other analyses required to pursue future NPRM.

Analysis: Preliminary RIA 11/00/85; Draft RFA 11/00/85

Agency Contact: Michele Owsley, Department of Transportation, Federal Aviation Administration, P. O. Box 1689, Ft. Worth, TX 76101, **817 877-2076**

RIN: 2120-AA00

1691. LOW-ALTITUDE WIND SHEAR EQUIPMENT REQUIREMENTS FOR TAKEOFF AND LANDING OPERATIONS OF TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Abstract: Would revise existing regulation to require all large passenger-carrying aircraft be equipped with a device that will display wind shear information to the pilots. This action is considered a significant project because it will generate substantial public interest and will be controversial. As a result of several accidents involving wind shear, it is necessary to identify equipment that will enable pilots to identify low level wind shear conditions.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/79	44 FR 25807

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 19110. In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. (14 CFR Parts 91, 121 & 135.)

Agency Contact: David L. Catey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA01

1692. REVIEW: UPDATE OF PART 139

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1432 Federal Aviation Act of 1958, Sec. 612

CFR Citation: 14 CFR 139

Abstract: Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting, rescue, and airport fueling operation requirements. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: This project was initiated on June 25, 1975, in response to a GAO evaluation of the FAA's Airport Certification Program and the result it has on improving the safety of airports. Recent delays have occurred due to industry concerns over aviation fueling responsibilities. FAA has reviewed proposals presented by a group of aviation organizations and changes have been made to the NPRM. The NPRM is currently being reviewed by the Office of the Secretary and will subsequently be reviewed by OMB. It is anticipated that the NPRM will be published in the Federal Register late in the summer of 1985.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Jose Roman, Jr., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-3087**

RIN: 2120-AA10

1693. USE OF ALCOHOL OR DRUGS; SUBMISSION TO ALCOHOL TESTS

Significance: Regulatory Program

Legal Authority: 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 106(g); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61; 14 CFR 91; 14 CFR 65; 14 CFR 63

Abstract: Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. This rulemaking is significant because it may involve important departmental policy. Supplemental notice proposes to require crewmembers to submit to tests for alcohol given by law enforcement officers under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	07/27/81	46 FR 36480
SNPRM	04/17/85	50 FR 15376
SNPRM Comment Period Begin	06/17/85	
SNPRM Comment Period End	07/16/85	
Final Action	06/16/86	

Small Entity: No

Additional Information: Docket No. 21956.

Analysis: Regulatory Evaluation 07/27/81; Regulatory Evaluation 04/01/83

Agency Contact: Roger Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8194**

RIN: 2120-AA16

1694. CERTIFICATION: STUDENT RECREATIONAL, RECREATIONAL, STUDENT OTHER THAN RECREATIONAL AND PRIVATE PILOTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Abstract: This petition proposes to establish a new concept in the certification of pilots to permit the issuance of a student recreational, a recreational, a student other than recreational, and a private pilot certificate. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/25/85	
NPRM Comment Period Begin	06/25/85	
NPRM Comment Period End	09/24/85	

Small Entity: No

Additional Information: Docket No. 24695

Agency Contact: James F. Byers, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8196**

RIN: 2120-AA54

1695. AMEND PART 23 TO INCLUDE REQUIREMENTS FOR CRASH-RESISTANT FUEL SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period Begin	03/05/85	
ANPRM Comment Period End	07/03/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Earsa L. Tankesley, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA57

1696. HIGH DENSITY AIRPORT TRAFFIC RULE

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 93

Abstract: Would rescind the operations reservations rule as it applies to the John F. Kennedy, LaGuardia, and Chicago O'Hare Airports. Under the current rule, an operator must secure a reservation for any instrument flight rule departure or arrival operation at those airports during designated hours. The proposal is considered significant because of the public interest it is likely to generate.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13434
Interim Final Rule	03/06/84	49 FR 8237
Final Action	00/00/00	48 FR 8237

Small Entity: No

Additional Information: Docket No. 22471. The rule was originally promulgated to reduce air traffic congestion and delay. With the advent of improved programs, procedures, and air traffic flow management, the rule is felt to be unnecessary. On March 6, 1984, the FAA issued an interim final rule that amended the High Density Rule (49 FR 8237; March 6, 1984). The agency will reexamine within the next 6-9 months (from the 3/1/84 issuance date) the capability of the air traffic control system to handle the unusual demands that a less constrained system may create, such as significant airborne holding and multiple requests by operators for release from gates. This will be examined in connection with airport capacity and the experience levels of air traffic control personnel.

Analysis: Regulatory Evaluation 03/31/83

Agency Contact: John Watterson, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AA72

1697. IMPROVED SEAT SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: To develop improved load test criteria for occupant seat/ restraint systems on transport airplanes based on the on-going joint FAA/NASA/industry transport airplane crashworthiness program which encompasses tests and studies of past survivable accident data. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2120**

RIN: 2120-AA88

1698. METROPOLITAN WASHINGTON AIRPORTS POLICY

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(b) Federal Aviation Act of 1958, Sec. 307(b); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); Act for the Administration of Washington National Airport; Second Washington Airport Act; 64 Stat. 770, Sec. 4

CFR Citation: 14 CFR 93

Abstract: This rulemaking proposes to change the annual passenger ceiling at Washington National Airport from 16 million to 14.8 million or to a figure between 14.8 million and 16 million depending upon the highest annual passenger level forecasted within the next 2 years. It also proposes to allow commuter carriers utilizing smaller, quieter aircraft to conduct a limited number of "stolrunway" operations at National Airport in addition to the operations permitted by the current limitations. This amendment is proposed to guide the future operation and development of Washington National and Dulles International Airports and to improve the quality of the environment in the areas around National. This rulemaking is considered to be significant because of possible public interest.

Timetable:

Action	Date	FR Cite
SNPRM	06/14/84	49 FR 24626
SNPRM Comment Period	07/16/84	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 21955.

Analysis: Regulatory Evaluation 06/14/84

Agency Contact: Edward P. Faberman, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-3773**

RIN: 2120-AA89

1699. EXPANSION OF CVR/FDR EQUIPMENT REQUIREMENTS ON U.S. AIRCRAFT

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 135

Abstract: This action proposes to change the regulations to expand the minimum flight data recorder (FDR) requirements for existing and newly manufactured pre-1969 type certificated aircraft operating under Part 121. This proposed action also would amend Part 135 to require cockpit voice recorders (CVR) on multiengine-powered, fixed-wing aircraft manufactured after a certain date if the aircraft requires two pilots and is certificated to carry six or more passengers. This is in response to an NTSB recommendation.

Timetable:

Action	Date	FR Cite
NPRM	01/08/85	50 FR 949
NPRM Comment Period Begin	01/08/85	50 FR 15528
Notice Reopening Comment Period	04/18/85	50 FR 15528
NPRM Comment Period End	06/03/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24418

Agency Contact: Charles J. Sarich, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8177**

RIN: 2120-AA95

1700. MODE S TRANSPONDER

Significance: Agency Priority

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1353 Federal Aviation Act of 1958, Sec. 312; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 135

Abstract: Proposes use of Mode S transponder within terminal control areas and generally above 12,500 feet MSL. Also proposes that ATCRBS transponder may be used in those airspace areas. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/83	48 FR 48364
NPRM	09/30/85	

Small Entity: Undetermined

Additional Information: Docket No. 23799. Mode S is considered to be the key airborne link to the new automated National Airspace System. It will also figure as a key component in data-linking information between air and ground.

Analysis: Regulatory Evaluation 10/18/83

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AB03

1701. AIRPLANE CABIN FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: To develop a revision to FAR 25.853 to improve fire protection for lavatories and galleys by requiring that smoke detectors and fire extinguishers, among other things, be installed. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project is to follow completion of Part 121 rulemaking.

Analysis: Regulatory Evaluation

Agency Contact: Dick Nelson, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2121**

RIN: 2120-AB22

1702. IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIORS OF TRANSPORT CATEGORY AIRPLANE CABINS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121

Abstract: To develop a revision to FAR 25.853 to improve fire test methods of interior materials that will improve the safety in cabin seating environments. This regulation has been made significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Comment period reopened	09/09/00	
NPRM	04/16/85	50 FR 15038
NPRM Comment Period End	07/15/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: Docket No. 24594

Public Compliance Cost: Initial Cost: $4,000,000; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: Dick Nelson, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2121**

RIN: 2120-AB23

1703. ADVANCED V/STOL ROTORCRAFT STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 00, (New)

Abstract: This proposed action would establish airworthiness standards for advanced V/Stol rotorcraft. This action is needed since current rotorcraft airworthiness standards in Parts 27 and 29 are insufficient for anticipated tilt rotor and other advanced design rotorcraft.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Jim Honaker, Department of Transportation, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2552**

RIN: 2120-AB25

1704. PROTECTIVE BREATHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Abstract: This action proposes to update the regulations applicable to protective breathing equipment (PBE) and require compliance with Technical Standard Order-C99 (TSO-C99). The proposed changes would specify additional requirements for portable PBE at all required hand fire extinguisher locations and training requirements for crewmembers using PBE.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Yes

Analysis: Draft RFA 09/00/85

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AB32

1705. CIVIL HELICOPTER NOISE CERTIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 42 USC 4321 et seq. National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 21; 14 CFR 36

Abstract: Would revise noise certification standards for aircraft to add provisions applicable to helicopters. These would apply to civil helicopters in the normal, transport, and restricted categories, and would provide noise level limits and test procedures for the issuance of new and amended type certificates. It would also prohibit changes in type design of helicopters that might increase their noise levels beyond certain limits. Although this notice contains several provisions similar to those in an earlier notice,

which was withdrawn in 1981, it differs from that notice in several important aspects. One is the absence of any limit on manufacture of older non-conforming types; another is the increased commonality between these proposed standards and those adopted by the International Civil Aviation Organization (ICAO).

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: Part 36 of the Federal Aviation Regulations (14 CFR Part 36) contains noise standards for aircraft type and airworthiness certification. As the part is currently organized, Subparts B and C and Appendices A, B, and C apply to transport category large airplane and subsonic turbojet powered airplanes regardless of category. Appendix F contains the provisions applicable to propeller driven light airplanes. This notice proposes to prescribe noise levels and test procedures for civil helicopters certificated in the normal, transport, and restricted categories. These proposals include rules governing the issuance of new and amended type certificates for helicopters for which application is made on and after the publication date of this notice. The proposed rule would prohibit certain growth or other design changes if those changes might result in noise levels beyond prescribed limits. The proposed rule also provides the test conditions and procedures for conducting helicopter noise tests to demonstrate compliance with the prescribed noise levels.

Analysis: Regulatory Evaluation 09/00/85; Environmental Analysis 09/00/85

Agency Contact: Richard N. Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 755-9027**

RIN: 2120-AB33

1706. SLOT TRANSFER METHODS

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 93

Abstract: This notice proposes a mechanism which would remove Government restrictions on the transfer of slots used by operators at high density airports. The proposal is, in part, in response to recommendations made by a number of air carriers in connection with the FAA's High Density Rulemaking. A separate NPRM on a procedure for initial allocation of slots in the event a scheduling committee is unable to allocate capacity at a high density airport has also been issued. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23806
NPRM Comment Period Begin	06/07/84	
NPRM Comment Period End	08/06/84	
Final Action	12/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 06/07/84

Agency Contact: Edward P. Faberman, Acting Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-3773**

RIN: 2120-AB37

1707. SLOT ALLOCATION ALTERNATIVE METHODS

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 93

Abstract: This notice set forth a procedure to be used if the scheduling committees are unable to allocate newly available slots at the high density airports. The proposal is, in part, a response to the recommendations made by a number of air carriers and commuters in response to the FAA's High Density Rulemaking. Those commenters stated that they are concerned that the scheduling committees may deadlock. A separate NPRM on the transfer of slots has also been issued. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23788
NPRM Comment Period Begin	06/07/84	
NPRM Comment Period End	08/06/84	
Final Action	12/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 05/30/84

Agency Contact: Edward P. Faberman, Acting Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-3773**

RIN: 2120-AB38

1708. PROPOSED DEPARTMENT OF ENERGY PROHIBITED AREAS

Significance: Agency Priority

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 106(g) Revised, Pub. L. 97-449, January 12, 1983

CFR Citation: 14 CFR 11.65; 14 CFR 73

Abstract: The proposed establishment or modification of prohibited airspace over these sites is one segment of a Department of Energy (DOE) comprehensive effort to enhance the protection of vital nuclear weapons research, development, and production facilities. If established, helicopter operations at any altitude over the designated sites would be prohibited without prior DOE authorization. This rulemaking is significant because it may be controversial. A summary of written and oral comments received in response to notices and hearings was sent to the DOE February 22, 1985, for them to address.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04765
Public Hearings Announced	07/20/84	49 FR 29411
Extension of Comment Period	08/07/84	49 FR 31435
ANPRM Comment Period End	11/16/84	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Brent A. Fernald, ATO-238, Airspace & Traffic Rules Br., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8626

RIN: 2120-AB39

1709. AVIATION CONSUMER ACTION PROJECT PUBLIC CITIZEN HEALTH RESEARCH GROUP, PETITION TO AMEND PART 121 - MEDICAL EQUIPMENT REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121.309(d); 14 CFR 121.333(c)

Abstract: This notice proposes to require air carriers to provide medical equipment for use in the diagnosis and treatment of in-flight medical emergencies by qualified personnel. The notice further proposes to require air carriers to report such in-flight medical emergencies, how the medical equipment was used, and the disposition of the patient. The intended effect of this proposal is to enhance the potential for diagnosis and initial treatment of in-flight medical emergencies prior to care at a surface facility. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10444
NPRM Comment Period Begin	03/14/85	
NPRM Comment Period End	07/12/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Andrew Horne, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3435

RIN: 2120-AB40

1710. ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 14 CFR 11.49

CFR Citation: 14 CFR 93

Abstract: This proposed rule is designed to alleviate increased delays throughout the air traffic system. If implemented, the FAA would alter current airline scheduling through a lottery process to more evenly space arrivals and departures throughout the day. Alternatives include voluntary schedule changes by the airlines. The rule, or the alternatives, would benefit the airline industry and the public by limiting delays. This regulation is significant because of its involvement with important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24206.

Agency Contact: Edward P. Faberman, Acting Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3775

RIN: 2120-AB42

1711. SHOULDER HARNESSES IN NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec 313; 49 USC 1421 Federal Aviation Act of 1958, Sec 601; 49 USC 1423 Federal Aviation Act of 1958, Sec 603

CFR Citation: 14 CFR 23; 14 CFR 91

Abstract: This notice proposes to amend Parts 23 and 91 of the Federal Aviation Regulations (FAR) to require the installation of shoulder harnesses at all seats of normal, utility, and acrobatic category airplanes with a passenger seating configuration, excluding pilot seats, of nine or less, manufactured one year after the effective date of the proposed amendment, and to require the pilot-in-command to brief passengers on how to fasten and unfasten their shoulder harness for takeoff and landings if shoulder harnesses are installed. This proposal responds to the conclusions of an FAA Crashworthiness Study Report, a Petition for Rulemaking from the General Aviation Manufacturers Association (GAMA), and Safety Recommendations from the National Transportation Safety Board (NTSB). This proposal will enhance the crashworthiness of small airplanes manufactured one year after the effective date of the proposed amendment. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/06/85	50 FR 9108
NPRM Comment Period Begin	05/06/85	
NPRM Comment Period End	06/20/85	
Final Action	11/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: J. Robert Ball, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, 816 847-5688

RIN: 2120-AB43

1712. PROPOSED REVISION TO NOISE CERTIFICATION STANDARDS FOR PROPELLER DRIVEN SMALL AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 21; 14 CFR 36

Abstract: Would revise noise certification standards for propeller-driven small airplanes to substitute the use of actual takeoff tests for the level flyover tests currently specified. This proposal would revise test procedures applicable to noise certification tests conducted on or after January 1, 1987. It would also revise the noise level limit numbers to approximate the equivalent of the sound levels measured and corrected in accordance with the current standard. These proposals result from industry requests for certification to be more directly based

upon typical inservice noise measurements and from studies conducted in several nations over a three year period under the auspices of the International Civil Aviation Organization. In addition, the FAA proposes to exempt antique airplanes and changes involving the addition of floats or skis from the acoustical change measurement and documentation requirements of Part 21. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Analysis: Draft Regulatory Evaluation 03/00/86

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 755-9027**

RIN: 2120-AB47

1713. CHARGES FOR USE OF METROPOLITAN WASHINGTON AIRPORTS

Significance: Agency Priority

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159.181 to 185

Abstract: Proposed revision to reflect changed costs of operating the airports. This rulemaking is significant because it may involve possible controversy resulting from increased landing fees. It is of special interest to the airline industry.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hanger 9, Washington, DC 20001, **703 557-8123**

RIN: 2120-AB48

1714. PROPOSED LIMITS ON THE GROWTH OF NOISE FROM CERTAIN AIRPLANES AND AIRPLANE TYPES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Abstract: Would revise both noise certification standards and operating noise rules to ensure that aircraft certificated within certain broad noise groups or "stages" remain within those stages. Those proposals would apply to transport category large aircraft and to turbojet powered aircraft regardless of category. The proposed rule would prohibit modification of both individual airplanes and whole airplane types where those modifications would result in the growth of noise beyond the limits of the airplane's current stage. While the proposal would not restrict airplane changes that result in lower noise, it would in some cases prohibit re-modification of those aircraft to return to their original noise levels. The FAA believes that these rules are necessary to correct a defect in the current regulations and to protect airports, aircraft operators and the public from the effects of that defect. This rulemaking is significant because of intense public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Analysis: Draft Regulatory Evaluation 09/00/85

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 755-9027**

RIN: 2120-AB50

1715. ● POWERED ULTRALIGHTS: AIRMAN CERTIFICATION REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321

CFR Citation: 14 CFR 1; 14 CFR 61; 14 CFR 91; 14 CFR 103

Abstract: This notice would propose to establish airman certification requirements for persons operating powered ultralight aircraft. These mandatory certification standards are being considered because the response by ultralight operators to voluntary training programs has not been adequate. These proposed certification requirements are intended to achieve an acceptable level of safety in the operation of these aircraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 08/00/85

Agency Contact: Ron Myres, Department of Transportation, Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, **202 426-8150**

RIN: 2120-AB69

1716. ● INDEPENDENT POWER SOURCE FOR PUBLIC ADDRESS SYSTEM IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121

Abstract: This action would amend the regulations to require an independent power source for the public address (PA) system in certain transport category airplanes. The requirement would be applicable to future type certification of airplanes that are required to have PA systems for use in air carrier service and to such airplanes manufactured after a specified date,

regardless of the date of application for type certificate.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 01/00/86

Agency Contact: Robert Hall, Department of Transportation, Federal Aviation Administration, Nortwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2143**

RIN: 2120–AB77

1717. © PROPOSED REVISION OF NOISE CERTIFICATION OF TURBOJET AND LARGE TRANSPORT CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal AViation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 36; 14 CFR 91

Abstract: Would revise certification and operational requirements for aircraft produced after January 1, 1988. On that date the current two stage noise requirements would be replaced with a simpler single standard corresponding to the current Stage 3.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 755-9027**

RIN: 2120–AB88

1718. © TRANSPONDER ON

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g); 14 CFR 11.45

CFR Citation: 14 CFR 91.24

Abstract: The notice proposed that all aircraft equipped with an operable radar beacon transponder have the transponder turned on while in controlled airspace.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 19381
NPRM Comment Period Begin	04/03/85	
NPRM Comment Period End	06/24/85	
Final Action	11/00/85	

Small Entity: Undetermined

Agency Contact: Gene Falsetti, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120–AB94

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Current and Projected Rulemakings
Nonsignificant

1719. REVIEW: PART 91 NOTICE

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 91

Abstract: The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/86	

Small Entity: No

Additional Information: Docket No. 16431.

Agency Contact: Burton Chandler, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120–AA07

1720. REVIEW: PART 91 REVIEW LOST COMMUNICATIONS

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 91

Abstract: Proposed amendment to simplify lost communications procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/05/85	50 FR 31587
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 16431.

Agency Contact: Paul Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120–AA08

1721. REVIEW: OBJECTS AFFECTING NAVIGABLE AIRSPACE

Legal Authority: 49 USC 1304 Federal Aviation Act of 1958, Sec. 104; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC 1501 Federal Aviation Act of 1958, Sec. 1101

CFR Citation: 14 CFR 77

Abstract: Would revise and reorganize 14 CFR Part 77 in a more logical sequence and present regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether

a particular object would be a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. 16920.

Analysis: Regulatory Evaluation 07/30/84

Agency Contact: **Gene Falsetti,** Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8790**

RIN: 2120–AA09

1722. PILOT OXYGEN MASK REQUIREMENTS

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1421 to 1430 Fed. Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 135

Abstract: Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen.

Timetable:

Action	Date	FR Cite
NPRM	08/12/82	47 FR 35146
Final Action	10/00/85	

Small Entity: No

Additional Information: Docket No. 23243.

Analysis: Regulatory Evaluation 08/12/82

Agency Contact: **Larry Bedore,** Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120–AA11

1723. REVIEW: METROPOLITAN WASHINGTON AIRPORTS REGULATIONS

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159

Abstract: Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **Edward S. Faggen,** Department of Transportation, Federal Aviation Administration, Washington National Airport Hangar 9, Washington, DC 20001, **703 557-8123**

RIN: 2120–AA12

1724. REVIEW: REVISION OF PART 91

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 to 1430 Fed. Aviation Act of 1958, Secs. 602 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Abstract: This review deals with the air traffic and general operating rules in Part 91 - the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand. (Phase I). A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291. (Phase II). AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79-2 published the original AOPA petition for comment on January 22, 1979 (44 FR 4571). NPRM 79-2A proposing reorganization of Part 91 was published on September 10, 1981 (46 FR 45256). NPRM 79-2B extended the comment period to April 9, 1982 (December 10, 1981; 46 FR 60461). Comments received on NPRM 79-2A will form a basis for proceeding with Phase II.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256
NPRM	03/20/85	50 FR 11282
NPRM Comment Period End	07/18/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 18334.

Analysis: Regulatory Evaluation 09/10/81

Agency Contact: **James R. Kelln,** Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8150**

RIN: 2120–AA13

1725. RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS - NOTICE OF LIEN

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 49

Abstract: Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien.

Timetable:

Action	Date	FR Cite
NPRM	01/13/75	40 FR 2445

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 14236.

Agency Contact: **Les Dunlop,** Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, **405 686-2284**

RIN: 2120–AA14

1726. CESSNA FINANCE PETITION

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354

Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1406 Federal Aviation Act of 1958, Sec. 506; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 47

Abstract: Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract.

Timetable:

Action	Date	FR Cite
ANPRM	10/20/77	42 FR 55891
NPRM	05/22/80	45 FR 34826

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 17311.

Analysis: Regulatory Evaluation 05/22/80

Agency Contact: **Les Dunlop**, Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, **405 686-2284**

RIN: 2120-AA15

1727. INOPERATIVE INSTRUMENTS OR EQUIPMENT

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec.313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421(a) to 1430 Fed. Av. Act 1958, Secs. 601(a) to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Abstract: Proposed rule to revise Part 91 to include provisions that will allow the operation of powered aircraft with certain installed instruments and equipment inoperative. The proposal would consolidate minimum equipment list requirements presently contained in various parts of the Federal Aviation Regulations into one regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/26/81	46 FR 52278

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 22320.

Analysis: Regulatory Evaluation 10/26/81

Agency Contact: **Dale C. Ruoff**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8194**

RIN: 2120-AA19

1728. PARACHUTE JUMPING, NOTICE AND AUTHORIZATION REQUIREMENTS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 105

Abstract: Proposed amendments would require notice of parachute jumps in terms of above mean sea level and would require ATC authorization for jumps in/into a terminal control area.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: **Gene Falsetti**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AA21

1729. TERMINAL CONTROL AREA (TCA) NEW YORK (MODIFICATION)

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1510 Federal Aviation Act of 1958, Sec. 1110

CFR Citation: 14 CFR 71

Abstract: Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2088

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 18605.

Analysis: Regulatory Evaluation 01/08/81

Agency Contact: **Lewis W. Still**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AA24

1730. TERMINAL CONTROL AREA (TCA) LAS VEGAS (MODIFICATION)

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1510 Federal Aviation Act of 1958, Sec. 1110

CFR Citation: 14 CFR 71

Abstract: Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **Lewis W. Still**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120-AA25

1731. FLIGHT OPERATIONS CONTROL SYSTEMS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313 (a); 49 USC 1421 to 1430 Fed. Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Abstract: Based upon a Transamerican Airlines (TIAS) and World Airways (WRLS) joint petition for rulemaking, the FAA is considering amending Part 121 to allow among other things all operations to be conducted under a flight operations control system.

Advance Notice 80-16 (14 FR 67103) issued Oct. 2, 1980, published the entire petition and requested comments to assist the FAA in determining what if any regulatory proposals should be developed.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/80	45 FR 67103
NPRM	00/00/00	

Small Entity: No

Additional Information: Docket No. 18591.

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA26

1732. REVIEW: ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 3

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 1; 14 CFR 27; 14 CFR 29; 14 CFR 33

Abstract: This NPRM proposes changes to Parts 1, 27, 29, and 33 in the area of propulsion system requirements. Over 100 individual changes are being considered. Significant new rules or changes to rules are being considered in the areas of engine ratings, detailed combustion heater requirements, lightning protection, fuel jettisoning systems, fuel system tests, and oil requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46670
NPRM Comment Period Begin	11/27/84	
NPRM Comment Period End	03/26/85	
Final Action	04/15/86	

Small Entity: No

Analysis: Regulatory Evaluation 11/27/84

Agency Contact: Wilbur Wells, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, **817 877-2551**

RIN: 2120-AA28

1733. REVIEW: ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 4

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29

Abstract: This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, **817 877-2549**

RIN: 2120-AA29

1734. REVIEW: ROTORCRAFT REVIEW NOTICE NO. 5-OPERATIONS AND MAINTENANCE

Legal Authority: 49 USC 1341 Federal Aviation Act of 1958, Sec. 301; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 45; 14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 133; 14 CFR 135

Abstract: This is the fifth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the operations and maintenance requirements pertaining to rotorcraft and covered in Parts 43, 45, 61, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations. Part 1 would also be amended to add a definition of a Class D rotorcraft-load combination.

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	
NPRM Comment Period Begin	03/12/85	50 FR 10144
NPRM Comment Period End	07/10/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24550

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Roger Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8194**

RIN: 2120-AA30

1735. FOREIGN AIR CARRIERS AND OPERATORS OF CERTAIN LARGE U.S.- REGISTERED AIRPLANES

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Abstract: This document proposes changes in regulations pertaining to (1) U.S. registered aircraft operated by foreign persons in common carriage and (2) certain large U.S. registered airplanes not operated in common carriage.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Lawrence P. Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA42

1736. STANDARDS FOR APPROVAL OF AN AUTOMATIC TAKEOFF THRUST CONTROL SYSTEM

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: This action would review certain special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	04/27/84	
Extension of Comment Period	07/20/84	49 FR 29410
NPRM Comment Period End	08/27/84	
NPRM	10/00/85	49 FR 18240

Small Entity: No

Additional Information: The special conditions included in this project are automatic take-off thrust control systems (ATTCS). Docket No. 24046.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 04/27/84

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120-AA46

1737. SPECIAL REVIEW: TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period Begin	12/03/84	
NPRM Comment Period End	04/04/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24344

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 12/03/84

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2112**

RIN: 2120-AA47

1738. IMPLEMENTATION OF SAFER PROPULSION SYSTEM RECOMMENDATIONS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: This action would amend Sec 25.975 to require fuel tank vent protection during ground fires and Sec 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period Begin	09/26/84	
ANPRM Comment Period End	01/25/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24251

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120-AA49

1739. FY-1982 MISCELLANEOUS AMENDMENTS

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Abstract: This action would amend various sections of the regulations. The proposed amendments are clarifying, editorial, or corrective in nature.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 23781.

Analysis: Regulatory Evaluation 10/03/83

Agency Contact: Ida Cronauer, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8357**

RIN: 2120-AA50

1740. AMEND PART 23 TO INCLUDE EMPENNAGE FATIGUE REQUIREMENTS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply only to the wing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The FAA is evaluating additional data obtained from NASA.

Analysis: Regulatory Evaluation

Agency Contact: **Earsa L. Tankesley,** Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120–AA58

1741. REGULATION OF MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE AT WASHINGTON NATIONAL AIRPORT

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159

Abstract: Amendment to require taxicab drivers and other drivers of ground vehicles carrying passengers for hire to and from Washington National Airport to obtain a permit from the FAA Metropolitan Washington Airports. Regulation would prescribe procedures for issuance and revocation of permits.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/83	48 FR 19838
NPRM	00/00/00	

Small Entity: Yes

Analysis: Regulatory Evaluation

Agency Contact: **Edward S. Faggen,** Department of Transportation, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, DC 20001, **703 557-8123**

RIN: 2120–AA62

1742. AIRPORT IMPROVEMENT PROGRAM

Legal Authority: PL 97-248 Airport and Airway Improvement Act of 1982

CFR Citation: 14 CFR 156, (Proposed)

Abstract: This action would prescribe requirements and procedures for applicants desiring to receive financial assistance under the Airport and Airway Improvement Act of 1982. The program provides grants for planning and developing public-use airports and the implementation of noise compatibility programs. Generally, to receive funds, the applicant must be a public agency; although, in some instances, private airport owners may receive funds. Contents of the regulation will be governed by the requirements of the Act and OMB Circular A-102.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: In September 1982, legislation authorizing the Airport Improvement Program was enacted. This same legislation repealed the Airport and Airway Development Act of 1970 which authorized the Airport Development Aid Program (CFR Pt. 152).

Agency Contact: **Edgar Williams,** APP-510, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-3857**

RIN: 2120–AA73

1743. NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 36

Abstract: Part 36 prescribes noise type certification standards for turbo jet powered airplanes and propeller driven small airplanes regardless of category. This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis.

Timetable:

Action	Date	FR Cite
NPRM		50 FR 4172
NPRM Comment Period Begin	01/29/85	
NPRM Comment Period End	04/24/85	

Next Action Undetermined

Small Entity: Yes

Additional Information: Will also consider Petition for Rulemaking from the Aerospace Industries of America (Docket No. 23340; Petition Notice No. PR-82-13). Comment Period closed January 20, 1983.

Analysis: Regulatory Evaluation 01/29/85; Draft RFA 07/00/85; Environmental Assessment 07/00/85

Agency Contact: **Richard Tedrick,** Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 755-9027**

RIN: 2120–AA74

1744. FAR 23 AIRWORTHINESS REVIEW

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would update Part 23 to be compatible with current technology, reduce the regulatory burden on the public and where possible, state the requirements more objectively.

Timetable:

Action	Date	FR Cite
Announcement of Review	01/31/83	48 FR 4290
Notice of Reopening of Comment Period	06/09/83	48 FR 26623
Compilation of Proposals and Announcement of Conference	10/22/84	49 FR 144
NPRM	00/00/00	

Small Entity: No

Additional Information: Docket No. 23494. Other regulatory projects affecting Part 23, and not needing

analysis more in-depth than would occur as part of this review, are being included in this review to assure efficient use of the affected FAA rulemaking resources. Current projects in this category include the project to revise Part 23 to include Special Conditions and the project to amend Part 23 to include Marking Requirements for External Openable Exits. A public meeting is planned as a result of proposals received and four separate NPRM's are planned to resolve the known issues, the first of which is anticipated for mid summer '85.

Analysis: Regulatory Evaluation 06/07/85

Agency Contact: **Earsa L. Tankesley,** Department of Transportation, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA75

1745. REVISE PART 23 TO INCLUDE COMMUTER CATEGORY AIRPLANES

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would amend Part 23 to include airworthiness standards for multi-engine airplanes having a maximum passenger seating configuration, excluding any pilot seat, of 19 seats, and with a maximum takeoff weight of up to 19,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 52010
Final Action	12/00/85	

Small Entity: No

Additional Information: Docket No. 23516.

Analysis: Regulatory Evaluation 11/15/83

Agency Contact: **Earsa L. Tankesley,** Department of Transportation, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA77

1746. ACCELERATED GROUND TRAINING - FLIGHT ENGINEERS' SKILL REQUIREMENTS

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 63; 14 CFR 91; 14 CFR 125

Abstract: This proposed action would amend the regulations to allow the flight engineers' normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 22781.

Agency Contact: **Gary Davis,** Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA79

1747. INSTRUMENT FLIGHT RULE REQUIREMENTS

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 135

Abstract: This proposed action would amend the regulations to: (1) allow operation of single-engine aircraft in IFR conditions; (2) permit IFR operations en route with a VFR buffer zone underneath the cloud ceiling and an IFR approach at destination; (3) change IFR minimums at U.S. military airports to be compatible with U.S. civil airport requirements; provide drift down standards during en route operations in IFR conditions in multi-engine aircraft; and provide consistency in regulations regarding references to instrument approach requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Additional Information: Docket No. 20164

Agency Contact: **Roger E. Riviere,** Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA82

1748. AIRPLANE SIMULATOR USE IN AIRMAN CERTIFICATION

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 121

Abstract: This proposed action would amend the regulations to objectively match maneuver and procedure requirements with a catalog of simulation devices. The amendment should extend the maximum credit to simulation devices that objective requirements will permit.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: **David C. Gilliom,** Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-3460**

RIN: 2120-AA83

1749. TRANSPORT ROTORCRAFT STRUCTURAL FATIGUE AND DAMAGE TOLERANCE

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1351 Federal Aviation Act of 1958, Sec. 310; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 611; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 29

Abstract: This notice proposes to change Section 29.571 governing the requirements for fatigue substantiation of transport category helicopter

structure. It adds a requirement that damage tolerance criteria be used "unless shown to be impractical." The proposal is intended to obtain consistent use of state-of-the-art damage tolerant materials and design features in transport category aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
ANPRM Comment Period End	04/18/83	48 FR 772
NPRM	12/00/85	

Small Entity: No

Additional Information: Docket No. 23485.

Public meeting held on February 8, 1983.

Analysis: Regulatory Evaluation 09/16/85

Agency Contact: Robert T. Weaver, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, **817 877-2548**

RIN: 2120-AA84

1750. FIRE PROTECTION REQUIREMENTS FOR CARGO OR BAGGAGE COMPARTMENTS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: To develop criteria for cargo compartment liners required for all categories of cargo compartments except Class A and to investigate compartment volume, ventilation and detection and fire prevention capabilities of certain approved self-extinguishing materials used for cargo compartment liners.

Timetable:

Action	Date	FR Cite
NPRM	08/08/84	49 FR 31830
Reopen comment period	10/12/84	49 FR 40041
Comment Period Closes	01/10/85	
Reopen comment period	04/03/85	50 FR 13226
Comment period closes	06/03/85	
Final Action	12/31/85	

Small Entity: No

Additional Information: Docket No. 24185. This regulation was formerly titled "Cargo Compartment Classification."

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 08/08/84

Agency Contact: Richard Nelson, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2121**

RIN: 2120-AA90

1751. FAR 23.49(B) STALL SPEEDS FOR SINGLE ENGINE AND MULTIENGINE AIRPLANES OF 6,000 LBS. OR LESS

Legal Authority: 49 USC 1354 F.A. Act, Sec. 313; 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would relieve the current 61-knot stall speed requirements of Part 23 by either deleting the requirement or specifying an alternative requirement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: A new generation of turbo-powered, single-engine airplanes is being developed whose operating efficiency and performance will be greatly reduced if they are required to meet the current stall speed requirements. The object of this rulemaking activity is to permit design and certification of higher performance, single-engine airplanes that may achieve higher cruise speeds with better specific fuel consumption by increasing wing loading.

Analysis: Draft RFA 03/00/85; Regulatory Evaluation 09/30/85

Agency Contact: Earsa Tankesley, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA92

1752. AMENDMENT OF SECTIONS 91.171, 91.172, AND APPENDICES E AND F OF PART 43

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91

Abstract: This action would delay an October 15, 1982, compliance date to afford operators additional time to accomplish tests and inspections required by Sec. 91.171, correct inappropriate references, and delete a requirement for integrated system tests of ATC transponders by operators.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Charles J. Sarich, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8177**

RIN: 2120-AA98

1753. NATIONAL AIRSPACE REVIEW (NAR) TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 91

Abstract: Would (1) term "Terminal control area"; (2) change operating requirements in terminal control areas; (3) change name of airport traffic area to control tower area; (4) standardize two-way radio communications requirements at all airports with operating control towers; (5) adopt a new definition for airport traffic area; (6) redefine control zone ceiling and lateral dimension limitations; and (7) replace statute miles with nautical mile designations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5054
NPRM	02/05/85	50 FR 5054
NPRM Comment Period Begin	02/05/85	
NPRM Comment Period End	06/06/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: William C. Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120-AB02

1754. GENERAL AVIATION SAFETY PANEL'S RECOMMENDATIONS ON WEATHER MINIMUMS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 91

Abstract: Would standardize weather minimums in all airspace at night.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 30124
NPRM Comment Period Begin	07/25/85	50 FR 30124
NPRM Comment Period End	09/23/85	

Small Entity: No

Agency Contact: Burton Chander, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **203 406-8626**

RIN: 2120-AB04

1755. FATIGUE LIMIT TEST (PROPELLERS)

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Abstract: Would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation bird impact and lightning protection.

Timetable:

Action	Date	FR Cite
NPRM	11/29/85	

Small Entity: No

Analysis: Regulatory Evaluation 11/00/85

Agency Contact: M. Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7079**

RIN: 2120-AB05

1756. ELECTRONIC FUEL CONTROLS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Abstract: Would revise FAR 33.67 to incorporate requirements for electronic fuel controls for gas turbines.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period Begin	02/14/85	
NPRM Comment Period End	07/29/85	

Next Action Undetermined

Small Entity: No

Additional Information: Notice to reopen comment period for an additional 30 days issued on June 6, 1985. Action taken in response to requests from several aviation organizations.

Analysis: Regulatory Evaluation 02/14/85 (50 FR 6186)

Agency Contact: H. Alden Jackson, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7078**

RIN: 2120-AB06

1757. TURBO PROP ENGINE PROPELLER BRAKE PROPOSALS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Abstract: Would revise Part 33 by adding a new section entitled "Engine Propeller Brake Systems Tests." This new section would require tests of the propeller brake with respect to ground locking, dynamic braking, and engine starts and stops.

Timetable:

Action	Date	FR Cite
NPRM	12/14/84	49 FR 48760
NPRM Comment Period Begin	12/14/84	50 FR 1542
NPRM Comment Period End	02/25/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: Notice to extend comment period (50 FR 1542)

Analysis: Regulatory Evaluation 12/14/84 (49 FR 48760)

Agency Contact: Donald F. Perrault, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7081**

RIN: 2120-AB07

1758. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET RUNWAYS AND FLIGHT PATH REQUIREMENTS FOR ENGINE LOSS DURING TAKEOFF

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Abstract: This proposal would amend Parts 25, 121 and 135 to allow the use of the reduced V1/reduced screen height concept for transport category airplanes when taking off on wet runways and to ensure obstacle clearance during takeoff when the all-engine operating and the one-engine inoperative intended track are different.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Additional Information: The rulemaking entitled All-Engine Flight Path (RIN 2120-AB16) has been merged with this project.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Denny Whitmire, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2119**

RIN: 2120-AB17

1759. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC AIRPLANES

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: This proposal would review special conditions issued for high altitude operation and to consolidate and incorporate these special conditions into Part 25.

Timetable:

Action	Date	FR Cite
Reopen comment period	07/20/84	49 FR 29410
Close of comment period	08/27/84	
Final Action	04/30/86	

Small Entity: No

Affected Sectors: Multiple

Analysis: Regulatory Evaluation

Agency Contact: Mark Quam, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2134**

RIN: 2120-AB18

1760. APPENDIX G, CONTINUOUS TURBULENCE CRITERIA

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: This proposal would review Appendix G (Continuous Gust Design Criteria) of Part 25 for possible revision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2120**

RIN: 2120-AB20

1761. REBUILT ENGINE MAINTENANCE RECORDS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Abstract: This action would propose to delete the rule that allows engine manufacturers to designate their overhaul engines as being "zero time engines."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert J. Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8098**

RIN: 2120-AB29

1762. OCCUPANT RESTRAINT IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Legal Authority: 49 USC 1344 Federal Aviation Act of 1958, Sec 303; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605; 49 USC 1428 Federal Aviation Act of 1958, Sec. 608; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610

CFR Citation: 14 CFR 27; 14 CFR 29

Abstract: This project proposes to amend the rotorcraft airworthiness standards in Parts 27 and 29 of the FAR. These proposals would add two dynamic crash impact design requirement conditions for seat and occupant restraint systems, increase the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed, prescribe a shoulder harness for each occupant, and add human impact injury criteria for the dynamic crash impact conditions. These proposals are intended to significantly improve occupant protection levels in a survivable emergency landing impact.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2549**

RIN: 2120-AB35

1763. TRANSPORT ROTORCRAFT PERFORMANCE

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 29

Abstract: This project is to revise and clarify transport rotorcraft performance airworthiness standards and to establish minimum gradients of climb during takeoff.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2552**

RIN: 2120-AB36

1764. TYPE CERTIFICATION PROCEDURES - SPECIAL CLASS OF AIRCRAFT

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958

Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 21

Abstract: This notice would propose to amend Part 21 to address procedures which will permit establishing airworthiness requirements for the type certification of a special class of aircraft such as gliders, airships, and compound aircraft for which no airworthiness standards have been issued under Chapter I of 14 CFR.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Analysis: Regulatory Evaluation

Agency Contact: James Zahringer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8374**

RIN: 2120-AB44

1765. ENFORCEMENT OF PASSENGER INFORMATION REGULATIONS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 121

Abstract: This notice would propose to amend existing regulations pertaining to passenger compliance with no smoking and seatbelt signs and instructions given to them by crewmembers by upgrading those rules to ensure their enforceability.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 11/00/85

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AB45

1766. LOW FUEL QUANTITY INDICATORS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: To revise Far 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel quantities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 11/00/85

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2135**

RIN: 2120-AB46

1767. DEALER'S AIRCRAFT REGISTRATION CERTIFICATE

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501

CFR Citation: 14 CFR 47

Abstract: Proposed amendment to expand eligibility for obtaining a Dealer's Registration Certificate to resident aliens and certain non-citizen corporations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Julie A. Stanford, Aircraft Regulation Specialist, Department of Transportation, Federal Aviation Administration, P.O. Box 25724, Oklahoma City, OK 73125, **405 686-2284**

RIN: 2120-AB49

1768. ● PART 157 REVIEW

Legal Authority: Secs 309, 313(a), 314, 72 Stat, 751.; 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Abstract: Revision of FAR Part 157 to include issues relating to ultralight activities and to require notice of proposed traffic patterns and changes thereto.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 09/30/85

Agency Contact: Brent Fernald, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120-AB74

1769. ● PART 101 REVIEW PROGRAM

Legal Authority: Secs 307, 313(a), 402, 601, 602, 603, 902, 1110, 1302; 72 Stat 749; 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 101

Abstract: This Review Program is intended to provide full public participation in matters concerning FAA evaluation of the operation of moored balloons, kites, unmanned rockets, unmanned free balloons, and the possible inclusion of remotely piloted vehicle regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: Part 91 revision also required to provide comprehensive treatment of manned balloon operations and to clarify the respective applicability and requirements of both parts 91 and 101 with respect to balloon operations.

Analysis: Regulatory Evaluation 09/30/85

Agency Contact: Brent Fernald, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120-AB75

1770. ◉ ENGINE FUEL AND INDUCTION SYSTEMS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Abstract: This advance notice proposes the addition of a new paragraph. FAR Section 33.35(f), to incorporate requirements for the fuel mixture to go to full-rich if a disconnect occurs in the mixture linkage.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/86	

Small Entity: No

Agency Contact: George Mulcahy, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Federal Aviation Administration, NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7077

RIN: 2120-AB76

1771. ◉ AVIATION INSURANCE: REVISION OF AIRCRAFT WAR RISK INSURANCE REGULATION

Legal Authority: 49 USC 1531 to 1542

CFR Citation: 14 CFR 198

Abstract: This rulemaking would revise the provisions of the Federal Aviation Regulations dealing with the Federal aviation insurance program. These revisions are necessary to reflect certain amendments to the Federal Aviation Act which broadened the scope of risks which may be insured by the administrator. This rule implements those legislative changes and, in addition, extensively revises the current aviation insurance regulations to better reflect current carrier insurance needs and commercial insurance practice.

Timetable:

Action	Date	FR Cite
NPRM	07/19/84	49 FR 35130
Final Action Effective	12/00/85	

Small Entity: No

Additional Information: Docket No. 24223

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Kenneth W. Harris, Manager, Aviation Activity Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3711

RIN: 2120-AB85

1772. ◉ HELICOPTER MINIMUM FLIGHTCREW

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29

Abstract: This project proposes to revise Parts 27 and 29 to require a minimum of two pilots if the power control(s) (throttles) are not a part of the collective control.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/85	

Small Entity: No

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. box 1689, Fort Worth, Tx 76101, 817 877-2552

RIN: 2120-AB86

1773. ◉ HELICOPTER INSTRUMENT FLIGHT

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29

Abstract: This project proposes to revise Appendix B of Parts 27 and 29 to permit IFR operations at airspeeds below the minimum instrument airspeed during approach and landing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: The FAA has determined that adoption of this proposal will not result in an economic burden on the public. It is a relieving rule that removes a minimum speed limitation when certain optional performance standards are met.

Analysis: Regulatory Evaluation 10/01/85

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. box 1689, Fort Worth, TX 76101, 817 877-2552

RIN: 2120-AB87

1774. ◉ EXPANSION OF APPLICABILITY OF SECTION 43.17 TO INCLUDE ANY COUNTRY WITH APPROPRIATE BILATERAL AIRWORTHINESS AGREEMENT, INCLUDING MAINTENANCE

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Abstract: The proposed amendment would revise Section 43.17 to accept the completion of maintenance, alteration or modification of an aircraft, engine, propeller, appliance, component, or part thereof, and for installation by a person authorized by the Civil Aviation Authority (CAA) of the foreign country having the Bilateral Airworthiness Agreement(BAA), which includes maintenance alteration, or modification, with the U.S., and for the import of those items into the U.S. when such work is done in accordance with the Schedule of Implementation Procedures for the BAA between the U.S. and the foreign country.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Angelo Mastrullo, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW, Washington, D.C. 20591, 202 426-8203

RIN: 2120-AB89

1775. ◉ REVISED ONE-ENGINE-INOPERATIVE RATINGS FOR ROTORCRAFT

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29; 14 CFR 33

Abstract: This project proposes to revise Parts 27, 29, and 33 to set forth qualifications and performance

associated with optional 30-second/2-minute one-engine-inoperative (OEI) ratings for rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	

Small Entity: No

Analysis: Regulatory Evaluation 05/15/86

Agency Contact: **Wilbur F. Wells,** Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, **817 877-2551**

RIN: 2120–AB90

1776. ● UNCONTAINED TURBINE BURST PROTECTION FOR TRANSPORT CATEGORY HELICOPTERS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 29

Abstract: The purpose of this project is a proposal to amend Part 29 to require design features or other provisions to minimize the hazards of failure of high speed rotors used in turbine engines in transport category helicopters.

Timetable:

Action	Date	FR Cite
NPRM	11/20/85	

Small Entity: No

Analysis: Regulatory Evaluation 11/20/85

Agency Contact: **Wilbur F. Wells,** Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2551**

RIN: 2120–AB91

1777. ● ANTI-BLOCKING DEVICE

Legal Authority: 49 USC 1348(a); 49 USC 106(g) Revised Pub. L. 97-449, January 12, 1983; 14 CFR 11.45; 49 USC 1354(a)

CFR Citation: 14 CFR 91

Abstract: Mr. John G. Rutty submitted a petition for rulemaking seeking to amend the FAR to require antiblocking and stuck microphone (ABD) relief circuitry operatively associated with aircraft voice communications radios employed in certain high-density air traffic areas.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **Brent Fernald,** Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120–AB92

1778. ● OFFSHORE AIRSPACE REVIEW

Legal Authority: 49 USC 1348(a) F.A. Act, Section 307(a); 49 USC 1354(a) F.A. Act, Section 313(a)

CFR Citation: 14 CFR 71; 14 CFR 75

Abstract: User organizations recommended under the National Airspace Review to simplify the classification of offshore airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/85	50 FR 30798

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: **William C. Davis,** Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120–AB93

1779. ● AIRSPACE RECLASSIFICATION

Legal Authority: 49 USC 1348; 49 USC 1354; 14 CFR 11.45; 14 CFR 11.65

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Abstract: Users organizations recommended, under the National Airspace Review, to redesign the airspace system to a more simple system similar to the systems in place in Canada and proposed under ICAO recommendations.

Timetable:

Action	Date	FR Cite
NPRM	01/01/86	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 01/01/86

Agency Contact: **William C. Davis,** Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120–AB95

1780. ● MCAS EL TORO, SPECIAL AIRPORT TRAFFIC AREA

Legal Authority: 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1422; 49 USC 1443; 49 USC 1472; 49 USC 1610; 49 USC 1522

CFR Citation: 14 CFR 93

Abstract: This advance notice proposes to establish a special airport traffic area at Marine Corps Air Station(MCAS), El Toro, California. The proposed rule would require pilots to establish and maintain two-way radio communications with, and receive authorization from, FAA coast terminal radar approach control facility. The action was requested by the United States Marine Corps to enhance the level of safety within the airspace from over Dana Point, California, to the MCAS at El Toro and to reduce the mid air collision potential between unknown, uncontrolled aircraft and military aircraft arriving at MCAS El Toro.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **John Watterson,** Manager, ATO-230, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120–AB96

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DOT—FAA

Current and Projected Rulemakings
Nonsignificant

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Current and Projected Rulemakings
Nonsignificant: Routine and Frequent

1781. PART 95 INSTRUMENT FLIGHT RULES

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/86	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8277**

RIN: 2120-AA63

1782. AIRWORTHINESS DIRECTIVES

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--300. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/86	

Small Entity: No

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8192**

RIN: 2120-AA64

1783. STANDARD INSTRUMENT APPROACH PROCEDURES

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2800. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/86	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8277**

RIN: 2120-AA65

1784. AIRSPACE ACTIONS

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--525. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/86	

Small Entity: No

Agency Contact: John Watterson, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AA66

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Existing Regulations Under Review
Significant

1785. AIRMEN MEDICAL STANDARDS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Abstract: These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During a recent rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce

DOT—FAA

Existing Regulations Under Review
Significant

burdens, both on the FAA and airmen, associated with the processing of medical certificates.

Timetable:

Action	Date	FR Cite
AMA Report to FAA	02/00/86	

Small Entity: No

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983. The AMA will develop a comprehensive report which will be used by the FAA as part of its evaluation of Part 67 standards.

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3802

RIN: 2120-AA70

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Existing Regulations Under Review
Nonsignificant

1786. TERMINAL CONTROL AREAS (TCA'S): PHOENIX

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1510 Federal Aviation Act of 1958, Sec. 1110

CFR Citation: 14 CFR 71

Abstract: Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	04/07/80	45 FR 23457
SNPRM	06/15/81	46 FR 31269

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 18605/79-AWE-18.

Analysis: Regulatory Evaluation 06/15/81

Agency Contact: Lewis W. Still, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8626

RIN: 2120-AA22

1787. PART 21--CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 426-8235

RIN: 2120-AB09

1788. PART 61--CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Abstract: This part prescribes the requirements for issuing pilot and flight instructor certificates and ratings, the conditions under which these ratings are necessary, and the privileges and limitations of those certificates and ratings. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Kenneth S. Hunt, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 426-8237

RIN: 2120-AB12

1789. PART 67--MEDICAL STANDARDS AND CERTIFICATION

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Abstract: This part prescribes the medical standards and procedures that apply to the issuance of medical certificates to airmen. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William Hark, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W.,

DOT—FAA

Existing Regulations Under Review
Nonsignificant

Washington, DC 20591, 202 426-3802

RIN: 2120-AB13

1790. PART 141--PILOT SCHOOLS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 141

Abstract: This part prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates, and associated ratings and the general operating rules for the holders of those certificates and ratings; the personnel and aircraft requirements for a pilot school or a provisional pilot school certificate; and the facilities an applicant must have available to hold a pilot school or provisional pilot school certificate. Also prescribed are the curriculum and course outline requirements for the issuance of a pilot school or provisional pilot school certificate or rating; the requirements for the issuance of an examining authority to the holder of a pilot school certificate and the privileges and limitations of that authority; and the operating rules that are applicable to a pilot school or provisional pilot school certificated under this part. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Kenneth S. Hunt, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AB14

1791. PART 121 -- CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Abstract: Review of rules governing the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Kenneth S. Hunt, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AB27

1792. PART 135 -- AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 135

Abstract: Review of rules governing: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Kenneth S. Hunt, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AB28

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions
Significant

COMPLETED RULEMAKINGS

1793. AIRCRAFT OWNERS AND PILOT ASSOCIATION - DURATION OF AIRMAN MEDICAL CERTIFICATES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Abstract: Petition to extend the validity period of third-class medical certificates from 24 months to 36 months. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/02/82	47 FR 54414
Withdrawal Notice Issued	09/27/85	50 FR 39619
Final Action	09/00/85	

Small Entity: No

Additional Information: Docket No. 19176.

Analysis: Regulatory Evaluation 12/02/82

Agency Contact: **William H. Hark, M.D.**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-3802**

RIN: 2120–AA41

1794. AIRPLANE CABIN FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 25; 14 CFR 121

Abstract: This action proposes a new requirement for smoke detectors in lavatories and automatic fire extinguishers in lavatory trash receptacles in air carrier airplanes.

Timetable:

Action	Date	FR Cite
NPRM	05/17/84	49 FR 21010
NPRM Comment Period Begin	05/17/84	49 FR 21010
NPRM Comment Period End	09/14/84	
Final Action	03/29/85	50 FR 12726
Final Action Effective	04/29/85	

Small Entity: No

Analysis: Regulatory Evaluation 11/30/84

Agency Contact: **Henri P. Branting**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8382**

RIN: 2120–AA87

1795. FLIGHT TIME, DUTY TIME AND REST REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 135

Abstract: This rulemaking is directed at improving the flight time, duty time and rest requirements applicable to flight crewmembers employed by air carriers, air taxis and commuter operators.

Timetable:

Action	Date	FR Cite
NPRM	03/28/84	49 FR 12136
Final Action	07/18/85	50 FR 29306
Final Action Effective	10/01/85	

Small Entity: Undetermined

Additional Information: Docket No. 23634. The Regulatory Negotiation Advisory Committee was established on June 27, 1983 to develop recommended rulemaking proposals for this rulemaking (48 FR 21339 and 29771; May 12 and June 28, 1983). The committee met through the summer to discuss such proposals.

Analysis: Regulatory Evaluation 03/28/84

Agency Contact: **Edward P. Faberman**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **202 426-3773**

RIN: 2120–AB08

1796. ANTI-MISTING KEROSENE

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 135

Abstract: This notice proposes to require turbine engine operations under Part 121 and 135 to be conducted with anti-misting kerosene to reduce the post-crash fire hazard due to ignition of fuel released from a ruptured fuel tank in an impact survivable accident. This rule is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Terminated	08/27/85	

Small Entity: Undetermined

Agency Contact: **Robert Allen**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8161**

RIN: 2120–AB41

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions
Nonsignificant

COMPLETED RULEMAKINGS

1797. TEMPORARY FLIGHT RESTRICTIONS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 91

Abstract: This proposal features provisions that would allow the Administrator to restrict all flight operations within a designated area under specified situations.

Timetable:

Action	Date	FR Cite
NPRM	04/29/82	47 FR 18560
Final Action	12/10/84	49 FR 48032
Final Action Effective	06/06/85	

Small Entity: No

Additional Information: Docket No. 22951.

Analysis: Regulatory Evaluation 04/29/82

Agency Contact: **Dave Smith**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120–AA34

1798. FLIGHT AFTER STRUCTURAL FAILURE

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: This ANPRM would request information necessary to conduct safety benefit, cost, environmental, and energy impact analyses for a proposed Part 25 requirement for continued safe flight and landing after failure of any single structural element.

Timetable:

Action	Date	FR Cite
ANPRM	07/11/83	48 FR 31842
Notice of Comment Period extension	08/22/83	48 FR 38004
NPRM	08/06/85	50 FR 31725
Final Action	08/06/85	
Final Action Effective	08/06/85	
Has been withdrawn	08/06/85	50 FR 31725
Has been withdrawn	08/00/85	

Small Entity: No

Additional Information: Docket No. 23690. Notice 83-8 was withdrawn because the record fails to support the need for further rulemaking action on this subject.

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2120**

RIN: 2120-AA48

1799. PROPOSED MINIMUM AERONAUTICAL EXPERIENCE REQUIREMENTS - INSTRUMENT RATING

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 61

Abstract: This action would amend Sec 61.65(a)(1) to delete the words "or commercial" and would amend Sec 61.65(e)(1) to decrease the required hours of pilot flight time.

Timetable:

Action	Date	FR Cite
NPRM	06/20/83	48 FR 28104
Final Action	05/07/85	50 FR 19290
Final Action Effective	06/07/85	

Small Entity: No

Additional Information: Docket No. 23672

Analysis: Regulatory Evaluation 05/07/85

Agency Contact: Lauren D. Basham, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8196**

RIN: 2120-AA52

1800. SFAR 38-2--CERTIFICATION AND OPERATING REQUIREMENTS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 127

Abstract: This notice would amend SFAR 38 by clearly defining the applicable certification and operating rules appropriate to the operation to be conducted.

Timetable:

Action	Date	FR Cite
Extension of Expiration Date	01/04/85	50 FR 450
NPRM	01/30/85	50 FR 4472
Final Action Effective	06/04/85	
Final Action	06/07/85	50 FR 23941

Small Entity: No

Additional Information: Docket No. 18510

Agency Contact: Dave Catey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA78

1801. USE OF X-RAY SYSTEMS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605

CFR Citation: 14 CFR 108; 14 CFR 129

Abstract: This proposed action would amend the regulations to delete reference to 1 milliroentgen and to change wording of sign at each X-ray screening station. It also proposes that the new American Society for Testing and Materials Standards F792-82 be adopted in place of the requirement that the X-ray system have the capability of distinguishing insulated 24-gauge copper wire.

Timetable:

Action	Date	FR Cite
NPRM	06/18/84	49 FR 24974
NPRM Comment Period Begin	06/18/84	49 FR 24974
NPRM Comment Period End	08/17/84	
Final Action	06/20/85	
Final Action Effective	07/22/85	

Small Entity: No

Additional Information: Docket No. 24115

Analysis: Regulatory Evaluation 06/20/85

Agency Contact: Theofulus P. Tsacoumis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-4817**

RIN: 2120-AA96

1802. MECHANICAL RELIABILITY REPORTS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Abstract: This action would allow certificate holders to mail or deliver mechanical reliability reports to the responsible FAA office within 72 hours after the 24-hour reporting period.

Timetable:

Action	Date	FR Cite
NPRM	08/13/84	49 FR 32306
NPRM Comment Period Begin	08/13/84	
NPRM Comment Period End	10/12/84	
	08/09/85	50 FR 32374

Small Entity: No

Additional Information: Docket No. 24182

Agency Contact: Fred W. Crenshaw, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8098**

RIN: 2120-AA97

1803. ISSUANCE AND RENEWAL OF INSPECTION AUTHORIZATIONS

Legal Authority: 49 USC 1354 (a) Federal Aviation Act, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602; 49 USC 1355 (a) Federal Aviation Act Sec. 314(a); 49 USC 1423 Federal Aviation Act Sec. 603

CFR Citation: 14 CFR 65

Abstract: This action would reconsider Amendment 65-22 which was issued to clarify rules and to adopt additional rules applicable to applicants for, and holders of, an inspection authorization. If necessary, the action would also revise the regulations to improve enforcement procedures pertaining to mechanics' certificates and inspection authorizations.

Timetable:

Action	Date	FR Cite
NPRM	09/11/84	49 FR 35652
NPRM Comment Period Begin	09/11/84	
NPRM Comment Period End	10/11/84	
Final Action	04/19/85	50 FR 15698
Final Action Effective	04/19/85	

Small Entity: No

Additional Information: Docket No. 24233

Agency Contact: Leo Weston, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8205**

RIN: 2120-AA99

1804. SUBPART F -- EQUIPMENT AIRWORTHINESS REGULATIONS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Abstract: To amend Subpart F and other associated subparts such that the regulatory requirements are stated on a functional basis to facilitate certification of 1985 and later airplanes.

Timetable:

Action	Date	FR Cite
Project terminated	05/22/85	

Small Entity: No

Additional Information: Project terminated. Research and background material will be utilized to form the basis for regulatory standards for new technology aircraft.

Analysis: Regulatory Evaluation 08/00/86

Agency Contact: Edwin L. Ross, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2115**

RIN: 2120-AB19

1805. REVIEW OF FAR 33.87(A)(7)

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Abstract: This action would revise Part 33 to better define requirements for stabilization of oil temperature during 5-minute periods of the endurance test.

Timetable:

Action	Date	FR Cite
Project Terminated	01/30/85	

Small Entity: No

Additional Information: Current regulations determined to be adequate to substantiate engine operation at limiting conditions of EGT and oil temperature.

Analysis: Regulatory Evaluation

Agency Contact: H. Alden Jackson, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, ANE-110, Burlington, Massachusetts 01803, **617 273-7078**

RIN: 2120-AB24

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions
Nonsignificant Reviews

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

1806. ● AIRWORTHINESS STANDARDS: PROPELLERS

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 35

Abstract: This part prescribes airworthiness standards for the issuance of type certificates and changes to those certificates, for propellers. The review analyzed the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 35 has a significant economic impact on a substantial number of small entities.

Agency Contact: Robert E. Whittington, Director, New England Region, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803, **617 273-7244**

RIN: 2120-AB78

1807. ● MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING AND ALTERATION

Legal Authority: 49 USC 1354; 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC

1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 49 CFR 43

Abstract: This part prescribes rules governing the maintenance, preventive maintenance, rebuilding, and alteration of any aircraft having a U.S. airworthiness certificate; foreign-registered civil aircraft used in common carriage or carriage of mail; and airframe, aircraft engines, propellers, appliances, and component parts of such aircraft. The review analyzed the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 43 has a significant economic impact on a substantial number of small entities.

Agency Contact: M. C. Beard, Director of Airworthiness, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 426-8235

RIN: 2120-AB79

1808. ◎ IDENTIFICATION AND REGISTRATION MARKING

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC 1421; 49 USC 1423; 49 USC 106(g)

CFR Citation: 14 CFR 45

Abstract: This part prescribes the requirements for identification of aircraft, and identification of aircraft engines and propellers that are manufactured under the terms of a type or production certificate; identification of certain replacement and modified parts produced for installation on type certificated products; and nationality and registration marking of U.S. registered aircraft. The review analyzed the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 45 has a significant economic impact on a substantial number of small entities.

Agency Contact: M. C. Beard, Director of Airworthiness, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 426-8235

RIN: 2120-AB80

1809. ◎ PARACHUTE JUMPING

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1421; 49 USC 106(g)

CFR Citation: 14 CFR 105

Abstract: This part prescribes rules governing parachute jumps made in the United States except parachute jumps necessary because of an inflight emergency. The review analyzed the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
End Review	04/00/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 105 has a significant economic impact on a substantial number of small entities.

Agency Contact: John R. Ryan, Acting Director, Air Traffic Operations Svc., Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 755-2182

RIN: 2120-AB81

1810. ◎ GROUND INSTRUCTORS

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 143

Abstract: This part prescribes the requirements for issuing ground instructor certificates and associated ratings and the general operating rules for the holders of those certificates and ratings. The review analyzed the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 143 has a significant economic impact on a substantial number of small entities.

Analysis: Draft RFA 06/00/85

Agency Contact: John S. Kern, Acting Director of Flight Operations, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AB82

1811. ◎ AVIATION MAINTENANCE TECHNICIAN SCHOOLS

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 147

Abstract: This part prescribes the requirements for issuing aviation maintenance technician school certificates and associated ratings and the general operating rules for the holders of those certificates and ratings. The review analyzed the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 147 has a significant economic impact on a substantial number of small entities.

Agency Contact: M. C. Beard, Director of Airworthiness, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 426-8235

RIN: 2120-AB83

1812. ◎ PARACHUTE LOFTS

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 149

DOT—FAA **Completed Actions**
Nonsignificant Reviews

Abstract: This part prescribes the requirements for issuing parachute loft certificates and associated ratings and the general operating rules for the holders of those certificates and ratings. The review analyzed the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
End Review	04/00/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 149 has a significant economic impact on a substantial number of small entities.

Agency Contact: M. C. Beard, Director of Airworthiness, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8235**

RIN: 2120–AB84

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Current and Projected Rulemakings
Significant

ENGINEERING AND OPERATIONS

1813. TRUCK SIZE AND WEIGHT; TRAILER LENGTHS

Significance: Regulatory Program

Legal Authority: PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Abstract: An analysis of comments to the March 1, 1985 NPRM indicate insufficient rationale to establish semitrailer lengths in 11 States. Therefore, a supplemental request for information was made of FHWA field offices and the trucking industry (through the 60 NR committee) to try to reach a supportable length in the remaining States. That supplemental information was due September 1, 1985. Depending on its nature, FHWA could produce a final rule February 1, 1986. However, if the information received is still inadequate, FHWA would have to consider other options.te, we must consider other options.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	50 FR 8342
NPRM Comment Period Begin	03/01/85	50 FR 8342
NPRM Comment Period End	04/30/85	
Final Action	10/00/85	
Final Action Effective	04/01/86	

Small Entity: No

Additional Information: A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the headquarters office of FHWA, 400 Seventh Street, S.W., Washington, D.C.

Analysis: Regulatory Evaluation (min. impact) 03/01/85 (50 FR 8342)

Agency Contact: Sheldon Strickland, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1993**

RIN: 2125–AB26

1814. ● TRUCK SIZE AND WEIGHT; AUTOMOBILE TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Abstract: The FHWA is proposing revisions to certain provisions established by the final rule on truck size and weight published at 49 CFR 23302 on June 5, 1984. This action proposes: (1) a definition for an automobile-transporter; (2) a minimum 75-foot overall length for a stinger-steered automobile-transporter; (3) the allowance of triple saddlemount combinations with a minimum length of 65 feet; and, (4) no overall length limitations for conventional tractor-semitrailer automobile transporters when the semitrailer is 48 feet in length. The purpose of this rulemaking action is to clarify and further define certain issues contained in the June 5, 1984, final rule.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/84	49 FR 38956
ANPRM Comment Period Begin	10/02/84	49 FR 38956
ANPRM Comment Period End	11/17/84	
NPRM	10/00/85	

Small Entity: No

Additional Information: A Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Reg. Evaluation (Min. Impact) 10/00/85

Agency Contact: Harold J. Brown, Department of Transportation, Federal Highway Administration, 400 7th Street, SW, Washington, DC 20590, **202 426-1993**

RIN: 2125–AB42

1815. ● PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 110

CFR Citation: 49 CFR 393

Abstract: This rulemaking action responds to section 210 of the Motor Carrier Safety Act of 1984. Section 210 requires the Department to open Part 393 of the Federal Motor Carrier Safety Regulations (FMCSR), which concerns the parts and accessories necessary for the safe operation of commercial motor vehicles for public comment and review. In essence, Part 393 is the basis for the vehicle inspection currently performed on vehicles operated by motor carriers subject to the jurisdiction of the DOT. Public comment has been requested pursuant to an ANPRM 01/10/85; exist. An NPRM will be issued which will represent an analysis and review of comments received.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period Begin	01/10/85	50 FR 1245
ANPRM Comment Period End	02/25/85	
NPRM	10/00/85	

Small Entity: No

Additional Information: On January 10, 1985, an ANPRM was published (50 FR 1245) which addressed two (2) Parts of the FMCSR. Comments were requested on Part 393 (Parts and Accessories) and Part 396 (Inspection and Maintenance). This rulemaking has been split and each Part will be addressed in separate rulemaking actions. For the rulemaking action dealing with Inspection, Repair and Maintenance, see "Nonsignificant Rulemaking" portion of agenda.

Analysis: Reg. Evaluation 10/00/85

Agency Contact: Mr. J. J. Fulnecky, Department of Transportation, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, **202 755-1011**

RIN: 2125-AB45

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

1816. FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390

Abstract: This rulemaking action will address the general provisions regarding the Motor Carrier Safety Regulations (FMCSR) contained in Part 390 of 49 CFR. This rulemaking is being undertaken to implement section 206 of the Motor Carrier Safety Act (MCSA) of 1984 which mandated the reissuance of the FMCSR. Part 390 deals with motor carrier definitions and general provisions regarding motor carrier operations. This entry appeared in the last agenda (April 1985) entitled "Retail Fertilizer Distribution Exemption." Pursuant to section 206 of the MCSA, the ANPRM on retail fertilizer distribution exemption (2/10/82, 47 FR 5273) was withdrawn on 1/23/85 (50 FR 2998). This rulemaking action will incorporate the comments made to the 2/10/82 ANPRM since the provisions relating to exemptions for retail fertilizer equipment are contained in Part 390.

Timetable:

Action	Date	FR Cite
Fertilizer ANPRM fertilizer	02/10/82	47 FR 5273
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period Begin	01/23/85	50 FR 2998
Fertilizer ANPRM Withdrawn Fertilizer	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	
NPRM	10/00/85	

Small Entity: No

Analysis: Reg. Evaluation 10/00/85

Agency Contact: Joseph J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-1011**

RIN: 2125-AA34

1817. REVIEW: NOTIFICATION, REPORTING AND RECORDING OF ACCIDENTS

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 394

Abstract: The revision deals primarily with revising the truck and bus accident report forms. Being considered are (1) the consolidation of both forms into one, (2) reducing the number of copies to be filed and (3) raising the reporting threshold from the present $2,000 to a higher figure. The NPRM issued on 1/16/84 (49 FR 1912) has been withdrawn pursuant to section 206 of the Motor Carrier Safety Act of 1984. Section 206 requires the reissuance of regulations concerning commercial motor vehicle safety by April 30, 1986. The comments received in response to the NPRM will be incorporated into this rulemaking action.

Timetable:

Action	Date	FR Cite
Initial NPRM	01/16/84	49 FR 1912
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period Begin	01/23/85	50 FR 2998
Initial NPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	
NPRM	10/00/85	

Small Entity: No

Additional Information: The ANPRM on Accident Report published on 1/16/84 (49 FR 1912) was formally withdrawn by notice published 1/23/85 (50 FR 2998). This action was taken pursuant to section 206 of the Motor Carrier Safety Act of 1984. A second NPRM is scheduled to be published in October 1985.

Analysis: Reg. Evaluation 10/00/85

Agency Contact: James K. O'Steen, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1700**

RIN: 2125-AA35

1818. REVIEW: DISQUALIFICATION OF DRIVERS (TRAFFIC RECORDS)

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206; 23 USC 315

CFR Citation: 49 CFR 391

Abstract: Revisions are being proposed in response to section 206 of the Motor Carrier Safety Act of 1984. The proposed revisions will require motor carriers to insure that drivers which operate (1) commercial motor vehicles transporting certain classes of hazardous materials (11/M) or (2) cargo tank commercial motor vehicles requiring placards meet additional or more stringent qualification requirements.

Timetable:

Action	Date	FR Cite
Initial ANPRM	09/27/82	47 FR 42383
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period Begin	01/23/85	50 FR 2998
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	
NPRM	10/00/85	

Small Entity: No

Additional Information: An initial ANPRM was published on 9/27/82 (47 FR 42383). This ANPRM was withdrawn on January 23, 1985 (50 FR 2998) pursuant to section 206 of the Motor Carrier Safety Act of 1984, which mandated the reissuance of regulations pertaining to commercial motor carrier safety. The comments received to the initial ANPRM (9/27/82) will be incorporated into this rulemaking action. A 60 day public comment period will be provided for the NPRM.

Analysis: Reg. Evaluation 10/00/85

Agency Contact: Mr. J. J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AA79

1819. SPLASH/SPRAY SUPPRESSANT DEVICES ON TRUCK TRACTORS, SEMITRAILERS AND TRAILERS

Significance: Regulatory Program

Legal Authority: 49 USC 2314; 49 USC 3102; Section 414 of STAA of 1982

CFR Citation: 49 CFR 393

Abstract: Section 414 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) states that Congress declares the visibility on wet roadways in the Interstate System should be improved by reducing splash and spray from truck tractors, semitrailers and trailers. Congress instructed the Secretary to establish, by regulation, minimum standards with respect to the performance and installation of splash and spray suppression devices on truck tractors, semitrailers and trailers. Further, Congress mandated that all vehicles in use 5 years from date of enactment be equipped with such devices. The revisions to 49 CFR 393 will implement this mandate. This rulemaking is considered significant because of its economic impact on the motor carrier industry.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14630
NPRM Comment Period Begin	04/12/85	50 FR 14630
NPRM Comment Period End	05/28/85	
NOTICE: Comment Period Extended	06/11/85	50 FR 24549
Final Action	12/00/85	

Small Entity: Yes

Additional Information: The public comment period was extended to 8/12/85 by a notice published on 6/11/85 (50 FR 24549).

Analysis: Preliminary RIA 04/12/85 (50 FR 14630); Draft RFA 04/12/85 (50 FR 14630); Final RIA 01/00/86; Final RFA 01/00/86

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20591, 202 755-1011

RIN: 2125-AA84

1820. INSPECTION, REPAIR, AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 210; PL 98-554, Sec 204; 23 USC 315

CFR Citation: 49 CFR 396; 49 CFR 390; 48 CFR 393

Abstract: The FHWA is seeking public comment concerning the development of Federal commercial motor vehicle inspection standards which would be applicable to motor carriers engaged in interstate or foreign commerce. This action is required by section 210 of the Motor Carrier Safety Act of 1984. The proposed revisions will require motor carriers to comply with Federal inspection standards, a State inspection program or an authorized self-inspection program. The FHWA also proposes to add two definitions contained in section 204 of the Motor Carrier Safety Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period Begin	01/10/85	
ANPRM Comment Period End	02/24/85	
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: The NPRM will propose revisions after having fully taken into account the public comments received to the ANPRM (01/10/85, 50 FR 1245). The 1/10/85 ANPRM also solicited comments on the provisions relating to the parts and accessories necessary for the safe operation of commercial motor vehicles. This section (parts and accessories) and comments made thereto will be the subject of a separate rulemaking action. See "Nonsignificant Rulemakings" portion of agenda.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: J. J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AB34

1821. FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390 to 399

Abstract: Section 206 of the Motor Carrier Act of 1984 (Pub. L 98-554) (the Act) directs the Secretary of Transportation to issue regulations pertaining to commercial motor vehicle safety. The Department has issued regulations, the Federal Motor Carrier Safety Regulations (FMCSR), on this subject under earlier authority (49 U.S.C. 3102). The purpose of this advance notice of proposed rulemaking (ANPRM) is to identify and solicit comment on specific changes which should be made to the FMCSR prior to reissuance in order to effectuate the purposes of the Act. The purposes of the Act are to ensure that: commercial motor vehicles are safely maintained, equipped, loaded and operated; the responsibilities of drivers do not impair their ability to drive safely; the physical condition of drivers is adequate to enable them to drive safely; and the operation of the vehicles does not have deleterious effects on drivers. This rulemaking will be a comprehensive effort, and thus the Agency will incorporate certain other regulatory actions which have been proposed but have not yet been completed. There is no alternative to the overall reissuance of the FMCSR. However,

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period Begin	01/23/85	

Action	Date	FR Cite
ANPRM Comment Period End	03/11/85	

Next Action Undetermined

Small Entity: No

Additional Information: (ABSTRACT CONT:) the agency intends to propose specific changes to the FMCSR which will then be fully analyzed, including a full range of alternatives to each proposal. Similarly, potential costs and benefits cannot now be identified, but rather must await the development of a notice of proposed rulemaking. This rulemaking is significant because of substantial public interest. Due to the amount of subject matter which this rulemaking action addresses, each Part (390-399) will be addressed in separate rulemakings. Comments received in response to this action will be considered as appropriate regarding the separate rulemaking actions. See " Priority Rulemakings" and "Other Rulemakings" portions of the agenda for actions resulting from this entry.

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-9767**

RIN: 2125-AB35

1822. ● HOURS OF SERVICE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 395

Abstract: Section 206 of the Motor Carrier Safety Act of 1984 (Act) directs the DOT to reissue regulations pertaining to commercial motor vehicle safety. On November 23, 1984, the FHWA published a final rule at 49 FR 46145 regarding Hours of Service in order to comply with an opinion of the United States Court of Appeals for the District of Columbia Circuit. A docket was opened (MC-99-1) in order to request comments for further consideration of revisions to the requirement of the driver's record of duty status. Pursuant to section 206 of the Act, an ANPRM was issued (1/23/85; 50 FR 2998) and again requested comments regarding the requirement for recorded hours of service. This rulemaking action will incorporate all comments received to the above mentioned published rulemaking actions. This document will consider the possible elimination of certain items required on the driver's record of duty status and extending the 12-hour limitation in the 100 mile radius exemption to 15 hours or permitting a 50 mile radius rule as an option with the 15 hour rule. This rulemaking is considered significant because of the potential cost savings which may result from (con't)

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period Begin	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	
NPRM	10/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: the reduction in requirements for maintaining the driver's record of duty status. Previous RIN for published final rule on 11/23/84 is 2125-AB22.

Analysis: Reg. Evaluation 10/00/85

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 4th Street SW, Washington, DC 20590, **202 755-1011**

RIN: 2125-AB39

PLANNING

1823. TRUCK SIZE AND WEIGHT; INTERPRETATION AND POLICY STATEMENT; PROPOSED RULEMAKING

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Abstract: The FHWA is proposing to provide a statement of FHWA interpretation and policy addressing the size and weight provisions contained in the Tandem Truck Safety Act of 1984 (TTSA) which amended the Surface Transportation Assistance Act of 1982 (STAA). This action addresses (1) conditions under which segments of the National System of Interstate and Defense Highways may be deleted from the National Truck Network, (2) conditions affecting the designation of new routes on the Federal-Aid Primary System as part of the National Truck Network, and (3) new provisions for 102-inch wide 28 1/2-foot semi-trailers. The issue relative to the qualifications of highways previously designated with lane widths less than 12 feet is the subject of a separate rulemaking action. See "Nonsignificant Rulemakings" portion of agenda.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: This action had previously been characterized as significant in the agenda. Upon further review, it has been determined that since this rulemaking proposes to technically amend the June 5, 1984, final rule on Truck Size and Weight and to finalize certain issues left unresolved, it is not considered significant. A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, D.C.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: David C. Oliver, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0825**

RIN: 2125-AB28

1824. ● TRUCK SIZE AND WEIGHT; LANE WIDTHS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 416; PL 98-554, Sec 105; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413

CFR Citation: 23 CFR 658

Abstract: By this action, the FHWA is taking steps to implement the 12-foot wide lane provisions contained in the Surface Transportation Assistance Act of 1982 (STAA) as amended by the Tandem Truck Safety Act of 1984 (TTSA). An ANPRM published 4/1/85 at 50 FR 12825 identified for re-examination specific routes on the National Network containing sections with lanes less than 12 feet wide in those States which do not otherwise permit 102-inch wide vehicles on the National Network, pursuant to State law. These States are Alabama, Florida, Kentucky, Maryland, Missouri, New

Hampshire, New Jersey, New York, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virginia. After a review, FHWA intends to propose the deletion of highways with lane widths less than 12 feet wide if such designation is found to be inconsistent with highway safety. The FHWA is soliciting information, data and comments concerning these routes that may assist in the review.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/85	50 FR 12825
ANPRM Comment Period Begin	04/01/85	50 FR 12825
ANPRM Comment Period End	05/16/85	
NPRM	10/00/85	

Small Entity: No

Additional Information: Further Agency Contact is Mr. D. C. Oliver, (202) 426-0825. Also, a Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Reg. Evaluation 10/00/85

Agency Contact: **Richard A. Torbik,** Department of Transportation, Federal Highway Administration, 400 7th Street, SW, Washington, DC 20590, **202 426-0233**

RIN: 2125–AB43

RIGHT-OF-WAY AND ENVIRONMENT

1825. REVIEW: OUTDOOR ADVERTISING CONTROL AND ACQUISITION

Significance: Agency Priority

Legal Authority: 23 USC 131; 23 USC 148; 23 USC 315

CFR Citation: 23 CFR 750, Subpart G

Abstract: This regulation would provide a definition of "effective control" of outdoor advertising as required by 23 U.S.C. 131. It would also set further requirements for signs exempt from control under the statute and establish the basic framework for State development of police power regulations and procedures. The regulation would also outline the requirements for Federal participation in the acquisition of compensable nonconforming outdoor advertising devices. This proposal is significant because it may involve substantial public interest, is controversial and involves important departmental policy. This regulation is necessary for the maintenance of national uniformity in the outdoor advertising control program. Since 23 U.S.C. 131 is regulatory in nature, it is necessary to establish and maintain minimum Federal program requirements. The proposal involves the consolidation of two existing regulations, 23 CFR pt. 750, subpts. D and G, and one interim regulation 23 CFR pt. 750, subpt. E. The regulations have been in effect since September 16, 1975 and July 29, 1974, respectively. The interim regulations have been in effect (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: CFR CITATION: FHPM 7-6-2 also applies.

LEGAL AUTHORITY: 49 CFR 1.48 also applies.

ABSTRACT CONT: since October 18, 1976. The proposed consolidation will be issued as an NPRM. An ANPRM, published April 30, 1979, (44 CFR 25387) and a Notice, published May 17, 1979, (44 CFR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. A Notice published June 15, 1979 (44 CFR 34516) announced a hearing site change and a change in hearing procedures. On June 25, 1979 (44 FR 37100), a Notice announced amendments to the Highway Beautification Act by the Surface Transportation Assistance Act of 1978. A Notice published on July 12, 1979 (44 FR 40781) announced the establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. The need for further action is being reviewed by the Department of Transportation.

Agency Contact: **Myron Laible,** Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0142**

RIN: 2125–AA04

1826. REVIEW: ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 303(c)

CFR Citation: 23 CFR 771; 49 CFR 622

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under FHWA and UMTA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. The amendments are significant because they involve important departmental policy. They are needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments on Priority Review	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: A. Marner, UMTA (202) 426-0096.

Analysis: Regulatory Evaluation 08/01/83 (48 FR 34894)

Agency Contact: **Fred Skaer,** Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0106**

RIN: 2125–AA05

1827. AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and

simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: James Getzewich, (202) 426-7182, of UMTA.

Analysis: Reg. Evaluation 12/00/85

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4838

RIN: 2125–AB10

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Current and Projected Rulemakings
Nonsignificant

CIVIL RIGHTS

1828. STATE HIGHWAY AGENCY CONSTRUCTION CONTRACT EQUAL OPPORTUNITY COMPLIANCE REVIEW PROGRAM REQUIREMENTS

Legal Authority: 23 USC 112(b); 23 USC 140(a); 23 USC 315

CFR Citation: 23 CFR 230

Abstract: The proposed revisions would amend the existing FHWA regulation governing construction contract equal employment opportunity (EEO) compliance procedures, which concern the employment practices of construction contractors on Federal highway projects. This proposal would eliminate existing detailed compliance procedures and allow States flexibility in adopting a procedure with respect to contract compliance.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Analysis: Reg. Evaluation 11/00/85

Agency Contact: Glen R. Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0471

RIN: 2125–AB08

ENGINEERING AND OPERATIONS

1829. USE AND DISPOSITION OF PROPERTY PREVIOUSLY ACQUIRED BY STATES FOR WITHDRAWN INTERSTATE SEGMENTS

Legal Authority: 23 USC 103(e)(5)(6); PL 96-106, Sec 2(c)

CFR Citation: 23 CFR 480

Abstract: Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This revision to an existing regulation would incorporate the legislative changes in 23 CFR Part 480.

Timetable:

Action	Date	FR Cite
NPRM	11/20/80	45 FR 76705
NPRM	09/00/85	

Small Entity: No

Additional Information: This regulation was formerly titled Review: Payback Regulation Amendments.

Analysis: Reg. Evaluation (Minimal impact)

Agency Contact: C. L. Shufflebarger, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0404

RIN: 2125–AA11

1830. REVIEW: CONTRACT PROCEDURES

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Abstract: This revision to an existing regulation would simplify Federal-aid contract procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36685
Supplemental NPRM	03/00/86	

Small Entity: No

Additional Information: An initial NPRM was issued on 08/18/78, 43 FR 36685. It has been determined to issue another NPRM after further review.

Analysis: Reg Evaluation 03/00/86

Agency Contact: P.E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125–AA18

1831. REVIEW: GENERAL MATERIALS REQUIREMENTS

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid construction work.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: An initial NPRM was issued on 01/29/81 (46 FR 9642). It has been determined to issue another NPRM based on further review.

Analysis: Reg. Evaluation (Minimal impact) 12/00/85

Agency Contact: P.E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0392**

RIN: 2125-AA19

1832. EMERGENCY RELIEF

Legal Authority: 23 USC 101; 23 USC 120(f); 23 USC 315; 42 USC 5155

CFR Citation: 23 CFR 668

Abstract: This rulemaking will revise procedures for the administration of emergency funds for the repair or reconstruction of Federal-aid highways, which are found to have suffered serious damage by natural disasters over a wide area or catastrophic failures. These revisions will improve the effectiveness of program implementation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: This rulemaking resulted from a review of the regulation (RIN 2125-AA50).

Analysis: Reg. Evaluation (Minimal impact) 10/00/85

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0450**

RIN: 2125-AA50

1833. ACCELERATION OF PROJECTS

Legal Authority: 23 USC 140; 23 USC 315; Surface Transportation Assistance Act of 1982, Sec. 129

CFR Citation: 23 CFR 630

Abstract: This revision would expedite the processing of Federal-aid highways projects by promoting wider use of the findings and recommendations of the demonstration project carried out under section 141 of the 1976 Federal-Aid Highway Act. This action is also being taken pursuant to section 129 of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/83	48 FR 38854
ANPRM	08/26/83	48 FR 57330
Comment Period Begin		
ANPRM	11/25/83	
Comment Period End		
To be withdrawn	10/00/85	

Small Entity: No

Additional Information: Additional Information: An interim policy statement was published 6/6/83 (48 FR 25181) to implement acceleration methods for selected projects within existing regulations. Initially, FHWA had considered issuing a new regulation as a vehicle for accelerating Federal-aid projects pursuant to Section 129 of the STAA of 1982. However, it has been determined that the objectives of Section 129 can be best implemented by revisions to existing regulations. Therefore, separate regulations will not be issued regarding the acceleration program. This approach received the concurrence of Deputy Administrator Lamm on April 11, 1984. This regulation will be withdrawn.

Agency Contact: S. M. Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, NW, Washington, DC 20590, **202 426-0334**

RIN: 2125-AA87

1834. PAVEMENT DESIGN POLICY

Legal Authority: 23 USC 109(a)(b)(c); 23 USC 315

CFR Citation: 23 CFR 626; 23 CFR 625

Abstract: The existing regulation on pavement design would be modified to eliminate unnecessary requirements and duplicative provisions. Currently, the Federal Highway Administration (FHWA) uses the "American Association of State Highway and Transportation Officials (AASHTO) Interim Guide for Design of Pavement Structures, 1972," Chapter III Revised, 1981, to evaluate the adequacy of the proposed pavement designs for Federal-aid projects. AASHTO is in the process of updating this guide. AASHTO approval of the revised guide is expected in October 1985. FHWA will solicit comments on the update and evaluate whether the new guide should be adopted.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	
NPRM	01/00/86	

Small Entity: No

Additional Information: A Federal Register notice was published on 4/24/85 (50 FR 16103) outlining and explaining the procedural steps the FHWA would take to effectuate Federal adoption of the revised guide.

Analysis: Reg. Evaluation (Minimal impact) 01/00/86

Agency Contact: Leon Noel, Department of Transportation, Federal Highway Administration, 400 Seventh Street, NW, Washington, DC 20590, 202 **426-0327**

RIN: 2125-AA88

1835. SKID ACCIDENT REDUCTION PROGRAM

Legal Authority: 23 USC 109(a)(b)(c); 23 USC 315; 23 USC 401; 23 USC 402; 49 USC 1655

CFR Citation: 23 CFR 626; 23 CFR 1204

Abstract: The FHWA issued an ANPRM to solicit comments on the adequacy of the current policy on skid accident reduction. Comments were also requested on several specific issues raised concerning the current policy. Twenty-nine formal replies were received including twenty-two from State highway agencies. The FHWA has completed field reviews of the effectiveness of skid accident reduction programs in selected States. An NPRM is expected to be published in October 1985.

Timetable:

Action	Date	FR Cite
ANPRM	05/25/84	49 FR 0604
ANPRM	05/25/84	49 FR 0604
Comment Period Begin		
ANPRM	09/25/84	
Comment Period End		
NPRM	10/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 10/00/85

Agency Contact: Leon Noel, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0327**

RIN: 2125–AA90

1836. MASS TRANSIT AND SPECIAL USE HIGHWAY PROJECTS

Legal Authority: 23 USC 137 (Sec 118 of STAA); 23 USC 142 (Sec 120 of STAA); 23 USC 146 (Sec 163 of STAA); 23 USC 149; 23 USC 315

CFR Citation: 23 CFR 810

Abstract: The existing regulation would be revised to incorporate statutory changes mandated by the Surface Transportation Assistance Act of 1982 (STAA) and to make other revisions to update references to other regulations or statutes and to reflect administrative changes. The revisions would provide the basic criteria for determining whether mass transit and special use highway projects are eligible for Federal-aid funding under 23 USC 137, 142, and 149. This rulemaking consolidates previous projected rulemakings under the headings Fringe and Corridor Parking and High Occupancy Lanes.

Timetable:

Action	Date	FR Cite
NPRM	04/26/84	49 FR 17968
NPRM Comment Period Begin	04/26/84	49 FR 17969
NPRM Comment Period End	06/25/84	
Final Action	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: George Schoener, (202) 426-0210.

Analysis: Reg. Evaluation (Minimal impact) 04/26/84 (49 FR 17968)

Agency Contact: James Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0450**

RIN: 2125–AB01

1837. PARTICIPATION IN CONTRACT CLAIM AWARDS AND SETTLEMENTS

Legal Authority: 23 USC 110; 23 USC 120; 23 USC 315

CFR Citation: 23 CFR 635

Abstract: The revisions address the extent to which Federal-aid highway funds may participate in awards and settlements of Federal-aid highway contract claims brought by private contractors against State Highway Agencies. The revisions clarify the existing regulation by specifying more definitive criteria in determining eligibility for participation. It is anticipated that the revised regulation would enable State Highway Agencies to submit more specific information supporting their requests for participation determinations more consistent State-to-State.

Timetable:

Action	Date	FR Cite
NPRM	03/27/84	49 FR 11678
NPRM Comment Period Begin	03/27/84	49 FR 23663
NPRM Comment Period End	07/30/84	
Final Action	09/00/85	

Small Entity: No

Additional Information: Docket No. 84-3

Analysis: Reg. Evaluation (Minimal impact)

Agency Contact: Paul E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0392**

RIN: 2125–AB02

1838. HIGHWAY CONSTRUCTION OR ALTERATION NECESSITATED BY CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS

Legal Authority: 23 USC 109(a); 23 USC 315; 23 USC 101(d)

CFR Citation: 23 CFR 620

Abstract: The proposed regulation would prescribe policies and procedures for the coordination of highway and water resources development projects; the financing of the alteration of highway on any of the Federal-aid highway systems made necessary by the construction of water resources development projects; and the financing of new highway construction through areas that may be inundated by proposed water resources development projects.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: A 60 day comment period will be provided.

Analysis: Reg. Evaluation (Minimal impact) 10/00/85

Agency Contact: Daniel O'Connor, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 472-7690**

RIN: 2125–AB04

1839. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Abstract: The proposed regulation will adopt AASHTO Guide Specifications for water pollution control. It has been determined that AASHTO Specifications are adequate and appropriate for managing and enforcing erosion and sediment control activities on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period Begin	01/18/85	
NPRM Comment Period End	03/18/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: A 60 day comment period will be provided.

Analysis: Reg. Evaluation (Minimal impact) 01/18/85

Agency Contact: Daniel S. O'Connor, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 472-7690**

RIN: 2125–AB05

1840. NAVIGATIONAL CLEARANCES FOR BRIDGES

Legal Authority: 23 USC 144(h); 23 USC 315; 33 USC 401; 33 USC 491; 33 USC 511; 33 USC 525; 33 USC 535

CFR Citation: 23 CFR 650

Abstract: The proposed regulation would establish FHWA policy and would set forth coordination procedures for Federal-aid highway bridges which require navigational clearances.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14251
NPRM Comment Period Begin	04/11/85	50 FR 14251
NPRM Comment Period End	07/11/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: A 90 day comment period was provided.

Analysis: Reg. Evaluation (Minimal impact) 04/11/85 (50 FR 14251)

Agency Contact: Philip Thompson, Hydraulics Engineer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7690**

RIN: 2125–AB07

1841. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES); REPORT REQUIREMENTS

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Abstract: The FHWA is amending its regulation on recordkeeping and reporting requirements for on-the-job training on Federal-aid construction contracts. The revised regulation would no longer require contractors to submit the Federal-Aid Highway Construction Contractor's Semi-Annual Training Report (OMB No. 2125-0021) and would no longer require State Highway Agencies to complete and submit the Federal-Aid Highway Construction Semi-Annual Training Report (OMB No. 2125-0021). In addition, the specific recordkeeping requirement and documentation of contractor performance under the training special provision would be eliminated. The revisions are being proposed as a result of an effort to carry out an internal Cost Avoidance, Reduction, Efficiency, and Effectiveness (CARE) program.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period Begin	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	
Final Action	01/00/86	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 11/22/82 (47 FR 52470)

Agency Contact: Paul E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0392**

RIN: 2125–AB15

1842. FEDERAL-AID PROGRAM APPROVAL AND PROJECT AUTHORIZATION

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315

CFR Citation: 23 CFR 630

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. The purpose of this action will be to determine if revisions are warranted in order to improve overall management of the Federal-aid highway program.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
NPRM	10/00/85	

Small Entity: Undetermined

Analysis: Reg. Evaluation (Minimal impact) 10/00/85

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0450**

RIN: 2125–AB18

1843. SUPPORTIVE SERVICES FOR DISADVANTAGED AND WOMEN BUSINESS ENTERPRISES

Legal Authority: 23 USC 140; 23 USC 101; 23 USC 304; 23 USC 315

CFR Citation: 23 CFR 230

Abstract: This regulation will prescribe procedures for supportive services programs to provide training and assistance to minority, disadvantaged and women business enterprises in Federal-aid highway contracting activities. It will implement the statutory provisions of Section 119(b) of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Analysis: Reg. Evaluation (Minimal impact)

Agency Contact: P. E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0392**

RIN: 2125–AB19

1844. REQUIRED CONTRACT PROVISIONS

Legal Authority: 23 USC 114; 23 USC 315

CFR Citation: 23 CFR 633

Abstract: This revision will update the existing regulation by including in the required contract provisions new labor standard provisions issued by the Department of Labor, disadvantaged business requirements issued by the Department of Transportation, changes in subcontracting requirements previously issued by FHWA and contract termination provisions issued by Office of Management and Budget.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact)

Agency Contact: P. E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0392**

RIN: 2125–AB20

1845. CONTRACT PROCEDURES; ADVERTISING FOR BIDS; NONCOLLUSION AFFIDAVIT

Legal Authority: 23 USC 112; 23 USC 315

CFR Citation: 23 CFR 635

Abstract: The revisions would require all persons submitting bids on a

Federal-aid highway project to submit with the bid an affidavit on non-collusion. The submission of an affidavit of non-collusion will serve to notify bidders that collusion on bidding is a violation of law and will serve in a court or administrative hearing as evidence of intent when other evidence that demonstrates the act of collusion is presented.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 12037
NPRM Comment Period Begin	03/27/85	50 FR 12037
NPRM Comment Period End	05/28/85	
Final Action	10/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 03/27/85 (50 FR 12037)

Agency Contact: Mr Hugh T. O'Reilly, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0780**

RIN: 2125-AB21

1846. RAILROAD-HIGHWAY PROJECTS

Legal Authority: 23 USC 109(e); 23 USC 120(d); 23 USC 130; 23 USC 315; 23 USC 405

CFR Citation: 23 CFR 646

Abstract: The FHWA is proposing to amend its regulation prescribing policies and procedures for advancing Federal-aid and direct Federal highway projects involving railroad facilities. The proposed amendment will incorporate and clarify existing FHWA policy regarding participation with Federal-aid highway funds in providing specified horizontal and vertical clearances for railroad overpass and underpass structures at highways.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 7067
NPRM Comment Period Begin	02/20/85	
NPRM Comment Period End	04/22/85	
Final Action	01/00/86	

Small Entity: No

Additional Information: A 60-day comment period is being provided.

Analysis: Regulatory Evaluation (min. impact) 02/20/85 (50 FR 7067)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0450**

RIN: 2125-AB25

1847. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES)

Legal Authority: 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230A

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job (OJT) training special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation (min. impact) 12/00/85

Agency Contact: Paul E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0392**

RIN: 2125-AB27

1848. SAMPLES AND TESTING OF MATERIALS AND CONSTRUCTION

Legal Authority: 23 USC 114; 23 USC 204; 23 USC 206; 23 USC 209; 23 USC 210; 23 USC 315

CFR Citation: 23 CFR 637

Abstract: The FHWA is proposing to provide a more effective policy and procedure with regard to sampling and testing of materials and construction in Federal-aid highway projects. The amendments will clarify requirements and provide additional guidance in the areas of acceptance sampling and testing laboratory inspection programs and material certifications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 10/00/85

Agency Contact: P. E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0392**

RIN: 2125-AB31

1849. LABOR AND EMPLOYMENT

Legal Authority: 23 USC 113; 23 USC 315

CFR Citation: 23 CFR 635

Abstract: This amendment would revise the existing regulation prescribing the inclusion of prevailing wage rates determined by the Secretary of Labor in advertisements and contracts for Federal-aid highway projects. The proposed amendment would preclude the States from imposing any prevailing wage rate on such projects higher than those determined by the Secretary of Labor.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Analysis: Reg. Evaluation (minimal impact)

Agency Contact: Hugh T. O'Reilly, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0780**

RIN: 2125-AB37

1850. ● ROADSIDE DESIGN GUIDE

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Abstract: This regulation would amend the existing 1977 "Guide for Selecting, Locating, and Designing Traffic Barriers" (Barrier Guide) which is incorporated in 23 CFR Part 625 as a guide. The 1977 Barrier Guide will be replaced by a new guide to be titled

"Roadside Design Guide." As soon as a workable draft guide is prepared, the FHWA will publish as Advance Notice of Proposed Rulemaking (ANPRM) requesting public comment on the application of the "Roadside Design Guide" to Federal projects. The ANPRM will consist of: A complete explanation as to how the "Roadside Guide "has been updated and a detailed description of the procedures that will be taken to effectuate Federal adoption. The public comment period could extend as many as 180 days.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/86	

Small Entity: No

Additional Information: Depending on the status of the draft "Roadside Design Guide" relating to its content, a second ANPRM could be issued. After that "Roadside Design Guide" has been formally approved for use by the States, the FHWA will then issue a Notice of Proposed Rulemaking (NPRM) with another public comment period. Only when this process culminates in a thorough review and analysis of all public comments will a decision to issue Final Rule be made.

Analysis: Reg. Evaluation 02/00/86

Agency Contact: James H. Hatton, Jr., Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0313

RIN: 2125-AB44

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

1851. REVIEW: COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 325

Abstract: The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g. grassy areas.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120

Next Action Undetermined

Small Entity: No

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AA27

1852. WRITTEN EXAMINATION

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 391.35

Abstract: This rulemaking action will be issued in order to implement section 206 of the Motor Carrier Safety Act of 1984. Section 206 requires the reissuance by the FHWA of regulations pertaining to commercial motor carrier safety. Options available to the FHWA regarding the requirement for a written examination for commercial vehicle drivers include (1) rescission of the requirement; (2) retaining the requirement and updating the questions; and, (3) revising the requirement to a pass/fail situation.

Timetable:

Action	Date	FR Cite
Initial ANPRM	03/04/82	47 FR 4256
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period Begin	01/23/85	50 FR 2998
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	
NPRM	10/00/85	

Small Entity: No

Additional Information: An initial ANPRM on the written examination was published on 3/4/82 (47 FR 4256). Pursuant to section 206 of the Motor Carrier Safety Act of 1984, which required the reissuance of the Federal Motor Carrier Safety Regulations, the initial ANPRM was withdrawn on 1/23/85 (50 FR 2998). Comments made to the initial ANPRM have been incorporated into this rulemaking action.

Analysis: Reg. Evaluation 10/00/85

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AA33

1853. RAILROAD GRADE CROSSINGS

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Abstract: The FHWA is considering a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. No action is anticipated within the next 12 months.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0033

RIN: 2125-AA36

1854. ● SAFETY FITNESS DETERMINATION

Legal Authority: PL 98-554, Sec 215; 49 USC 3102

CFR Citation: 49 CFR 385

Abstract: Section 215 of the Motor Carrier Safety Act of 1984 requires the FHWA, in cooperation with the Interstate Commerce Commission, to establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles including persons seeking new or additional operating authority as motor carriers. Comments are being requested regarding the proposed changes in the current safety rating procedures and a new proposed "provisional safety rating" for those carriers who have not previously been assigned a safety rating or who intend to be a new entrant into the motor carrier industry. It has been determined that this rulemaking action is a significant regulation under the regulatory policies and procedures of the Department of Transportation because of the total estimated indirect benefits that may result.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: A 45 day public comment period will be provided.

Analysis: Reg. Evaluation 10/00/85

Agency Contact: Gary E. Curtis, Department of Transportation, Federal Highway Administration, 400 4th St. SW, Washington, DC 20590, **202 426-1724**

RIN: 2125–AB46

PAYMENT PROCEDURES

1855. TRANSFER OF FEDERAL-AID HIGHWAY FUNDS

Legal Authority: Surface Transportation Assistance Act of 1982, Sec. 116

CFR Citation: 23 CFR 160, Subpart A; 23 CFR 160, Subpart B; 23 CFR 160, Subpart C

Abstract: This regulation revision will reflect the required statutory changes included in section 116 of the STAA of 1982 regarding the transfer of Interstate construction funds.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 10/00/85

Agency Contact: Carla Child, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0674**

RIN: 2125–AA64

1856. FEDERAL-AID HIGHWAY PROGRAMS: STATE INTERNAL AUDIT RESPONSIBILITIES

Legal Authority: PL 98-502 Single Audit Act of 1982; 23 USC 315

CFR Citation: 23 CFR 12

Abstract: Revisions to the existing regulation will be made to comply with the requirements of PL 98-502, the Single Audit Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 10/00/85

Agency Contact: Max Inman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0562**

RIN: 2125–AB29

1857. ADMINISTRATION OF NEGOTIATED CONTRACTS

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402

CFR Citation: 23 CFR 172

Abstract: Revisions to the existing regulation will be made to update minimum requirements and to conform to the new Federal acquisition regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation (min. impact) 10/00/85

Agency Contact: Max Inman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0562**

RIN: 2125–AB30

PLANNING

1858. REVIEW: HIGHWAY PLANNING PROGRAM ADMINISTRATION

Legal Authority: 23 USC 104; 23 USC 307; 23 USC 315

CFR Citation: 23 CFR 420, Subpart A; 23 CFR 450, Subpart C

Abstract: This revision to an existing regulation would reflect policy changes in management of the highway planning and research program, e.g., allowing separate projects for components of the program (urbanized area planning, statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc. NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal coordination, FHWA is considering combining this regulation with 23 CFR Part 450, Subpart C, Metropolitan Planning Funds, since both deal with program administration. A revised NPRM combining parts 420 and 450 and incorporating requirements mandated by the Surface Transportation Assistance Act of 1982 was published on 3/28/85 (50 FR 12328). Publication of the final rule is expected in November 1985.

Timetable:

Action	Date	FR Cite
NPRM	01/11/79	44 FR 2400
NPRM	03/28/85	50 FR 1238
NPRM Comment Period Begin	03/28/85	50 FR 1238
NPRM Comment Period End	05/28/85	
Final Action	11/00/85	

Small Entity: No

Additional Information: Docket No. 78-24. CFR CITATION: FHPM 4-1-2-1 and 4-4-7 also applies. ADDITIONAL AGENCY CONTACT: Sam W. P. Rea, (202) 426-2961. A 60 day comment period will be provided.

Analysis: Reg. Evaluation (Minimal impact) 03/28/85 (50 FR 12328)

Agency Contact: Barna Juhasz, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0175**

RIN: 2125–AA10

1859. REVIEW: COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Legal Authority: EO 12372

CFR Citation: 49 CFR 17

Abstract: This revision would implement Executive Order 12372 and related OMB implementing procedures regarding intergovernmental review of Federal programs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The operating procedures governing intergovernmental review of FHWA programs are contained in 49 CFR 17 as published by the Office of the Secretary (48 FR 29264, 6/24/83). It has not yet been determined whether additional regulations will be issued by the FHWA.

Agency Contact: Sam Rea, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2961**

RIN: 2125–AA12

1860. CERTIFICATION OF ENFORCEMENT OF HEAVY VEHICLE USE TAX

Legal Authority: 23 USC 141(d); 23 USC 315

CFR Citation: 23 CFR 669

Abstract: The FHWA is proposing procedures to be followed by each State for certifying that it is obtaining proof of payment of the heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code of 1954, as amended, before such vehicles are lawfully registered in the State.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: A 45-day public comment period will be provided.

Analysis: Regulatory Evaluation (min. impact)

Agency Contact: Thomas R. Weeks, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0160**

RIN: 2125–AB36

RIGHT-OF-WAY AND ENVIRONMENT

1861. REVIEW: THE ACQUISITION FUNCTION

Legal Authority: 42 USC 2000d-1; 42 USC 4633; 42 USC 4651 to 4655; 23 USC 315; 23 USC 323

CFR Citation: 23 CFR 712; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720

Abstract: On March 5, 1985 (50 FR 8955), the Department of Transportation issued a final rule which prescribed uniform departmental procedures for compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601 et seq.) (Uniform Act). This rulemaking action will rescind FHWA's regulations which have been superseded by the DOT regulations of 3/5/85.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 10/00/85

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0142**

RIN: 2125–AA23

1862. REVIEW: RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; 23 USC 315

CFR Citation: 23 CFR 740

Abstract: This revision would reduce Federal requirements related to the relocation assistance program. On March 5, 1985 (50 FR 8955), the Department of Transportation issued a final rule which prescribed uniform departmental procedures for compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601 et seq.) (Uniform Act). This rulemaking action will rescind FHWA's regulations which have been superseded by the DOT regulations of 3/5/85.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 10/00/85

Agency Contact: Robert J. Moore, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0116**

RIN: 2125–AA81

1863. PUBLIC HEARINGS AND LOCATION DESIGN APPROVAL

Legal Authority: 23 USC 101 et seq; 23 USC 109(h); 23 USC 128; 23 USC 315; 49 USC 1651; 49 USC 1657(e)(1)

CFR Citation: 23 CFR 790; 23 CFR 771.111(h)

Abstract: The existing regulation contains duplicative provisions that are contained in 23 CFR 771. The rescission of 23 CFR 790 will simplify and consolidate project development processes preceding PS & E (Plans, Specifications, and Estimates) under the NEPA process and will consolidate requirements for public hearings in a single regulation. This rulemaking action will be combined with RIN #2125-AA05 for clarity.

Timetable:

Action	Date	FR Cite
NPRM	01/31/85	50 FR 4525
NPRM Comment Period Begin	01/31/85	50 FR 4525
NPRM Comment Period End	03/04/85	
Final Action	10/00/85	

Small Entity: Undetermined

Analysis: Reg. Evaluation 01/31/85 (50 FR 4525)

Agency Contact: Florence Mills, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0303**

RIN: 2125–AB09

1864. HIGHWAY BEAUTIFICATION: OUTDOOR ADVERTISING: TECHNICAL AMENDMENT

Legal Authority: 23 USC 131; 23 USC 315

CFR Citation: 23 CFR 750

Abstract: The FHWA is proposing to amend its regulations in order to clarify existing FHWA policy that temporary political campaign signs and other signs, displays, and devices associated with Federal, State, or local elections may be permitted without violating the Highway Beautification Act.

DOT—FHWA

Current and Projected Rulemakings
Nonsignificant

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: A 45-day public comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 10/00/85

Agency Contact: Edward V. A. Kussy, Department of Transportation, Federal Highway Administration, 700 Seventh Street, SW, Washington, DC 20590, **202 426-0791**

RIN: 2125–AB32

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Current and Projected Rulemakings
Nonsignificant: Routine and Frequent

ENGINEERING AND OPERATIONS

1865. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	12/00/86	

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 12/00/86

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0411**

RIN: 2125–AA37

RIGHT-OF-WAY AND ENVIRONMENT

1866. RELOCATION ASSISTANCE-MOVING PAYMENTS-MOVING EXPENSE SCHEDULES

Legal Authority: 42 USC 4601 et seq; 23 USC 315

CFR Citation: 23 CFR 740

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Revisions are published annually. Total actions expected--1. 01/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	01/00/86	

Small Entity: No

Agency Contact: Gerald Starkweather, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0117**

RIN: 2125–AA38

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions
Significant

COMPLETED RULEMAKINGS

1867. REVIEW: DESIGN STANDARDS FOR HIGHWAYS

Significance: Agency Priority

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Abstract: This regulation amends the existing geometric design standards for highways for the new construction and major reconstruction of Federal-aid highways by replacing several publications incorporated by reference in 23 CFR Part 625 with a single new publication. The publication entitled "A Policy on Geometric Design of Highways and Streets" has been adopted by the FHWA and constitutes the FHWA's policy on the geometric design of all federally-assisted construction and reconstruction projects with the exception of those standards that currently apply to Interstate highways. Comments to the adopted standards were received (FHWA Docket No. 80-2) until August 13, 1985 in order to assist the FHWA in planning additional design research activities.

Timetable:

Action	Date	FR Cite
NPRM	02/14/80	45 FR 10236
Final Action	04/15/85	50 FR 14914
Final Action Effective	05/15/85	50 FR 14914

Small Entity: No

Additional Information: Docket No. 80-2. CFR CITATION: FHPM 6-2-1-1 also applies.

Analysis: Reg. Evaluation 04/15/85 (50 FR 14914)

Agency Contact: Wilson B. Harkins, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0313**

RIN: 2125–AA15

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions
Nonsignificant

COMPLETED RULEMAKINGS

1868. REVIEW: CIVIL RIGHTS REQUIREMENTS

Legal Authority: 23 USC 140; 23 USC 315; 23 USC 324

CFR Citation: 23 CFR 230

Abstract: These regulations contain the policies, procedures and guides for implementing equal employment opportunity requirements under the Federal and Federal-aid highway programs. The changes are intended to eliminate unnecessary requirements, streamline procedures and reduce recordkeeping and reporting requirements. After reviewing comments received to the notice containing the priority review of civil rights regulatory impacts pursuant to EO 12291, it has been determined that no further action is necessary. Therefore action regarding this rulemaking is terminated as of 06/28/85.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments on Priority Review	04/13/81	46 FR 21620
Action Terminated	06/28/85	

Small Entity: No

Additional Information: CFR CITATION: FHPM 6-4-1-2, 2-2-2, and 2-2-3 also apply. Notice and request for comments on priority review published 04/13/81 (46 FR 21620).

Agency Contact: Edward W. Morris, Jr., Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0471**

RIN: 2125-AA08

1869. REVIEW: ACCOMMODATION OF UTILITIES

Legal Authority: 23 USC 109; 23 USC 116; 23 USC 315

CFR Citation: 23 CFR 645

Abstract: This revision to an existing regulation updated and simplified policies and procedures for accommodating utility facilities on the right-of-way of Federal-aid and direct Federal highway projects.

Timetable:

Action	Date	FR Cite
Previous NPRM	04/17/80	45 FR 26280
NPRM	01/10/84	49 FR 1219
NPRM Comment Period Begin	01/10/84	49 FR 1219
NPRM Comment Period End	03/12/84	
Final Action	05/15/85	50 FR 20351
Final Action Effective	06/14/85	50 FR 20351

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 05/15/85 (50 FR 20351)

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0450**

RIN: 2125-AA20

1870. REVIEW: UTILITY RELOCATION, ADJUSTMENTS AND REIMBURSEMENT

Legal Authority: 23 USC 123; 23 USC 315

CFR Citation: 23 CFR 645

Abstract: This revision to an existing regulation updated and simplified the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/79	44 FR 12209
NPRM	11/20/80	45 FR 76924
Final Action	05/15/85	50 FR 20344
Final Action Effective	06/14/85	50 FR 20344

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 05/15/85 (50 FR 20344)

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0450**

RIN: 2125-AA21

1871. PUBLIC LANDS HIGHWAYS

Legal Authority: 23 USC 202(c); 23 USC 204; 23 USC 315

CFR Citation: 23 CFR 667

Abstract: The revisions are intended to bring the existing regulation up to date considering recent legislative and administrative changes in the program. Public Lands Highways are Federal-aid highways which are bounded on both sides by unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations. The regulation specifies procedures for allocation of funds and project administration and provides guidance on eligibility of work.

Timetable:

Action	Date	FR Cite
NPRM	09/19/84	49 FR 36657
NPRM Comment Period Begin	09/19/84	
NPRM Comment Period End	10/19/84	
Final Action	03/18/85	50 FR 10755
Final Action Effective	04/17/85	50 FR 10755

Small Entity: No

Analysis: Regulatory Evaluation (min. impact) 03/17/85 (50 FR 10755)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0450**

RIN: 2125-AB23

1872. AMBIENT TEMPERATURE IN HEAVY DUTY TRUCK CABS

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 399

Abstract: This regulation would set maximum permissible ambient temperatures in truck cabs. The FHWA has withdrawn this rulemaking action until such time research is undertaken to develop needed data to determine if further rulemaking is justified. The withdrawal notice was published on 1/23/85 (50 FR 3000).

Timetable:

Action	Date	FR Cite
ANPRM	02/08/79	43 FR 5397
Withdrawn	01/23/85	50 FR 3000

Small Entity: No

Additional Information: Docket No. MC-81.

Analysis: Reg. Evaluation 01/23/85 (50 FR 3000)

DOT—FHWA

Completed Actions
Nonsignificant

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-1011**

RIN: 2125–AA26

1873. CITIZEN BAND RADIOS ON BUSES

Legal Authority: 49 USC 3102; PL 97-261, Sec 25

CFR Citation: 49 CFR 393

Abstract: The FHWA requested comments on a recommendation by the National Research Council, Transportation Research Board, of the National Academy of Sciences (NAS) concerning the use of citizen band radios (CB's) on buses. This action is required by section 25 of the Bus Regulatory Reform Act of 1982. The NAS recommended that FHWA maintain the status quo and allow motor carriers of passengers to continue to decide whether their drivers should be permitted to use CB's in buses, subject to collective bargaining. This action was withdrawn on 4/17/85 (50 FR 15198) based on the lack of data or evidence to support further rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/85	50 FR 1603
ANPRM Comment Period Begin	01/11/85	
ANPRM Comment Period End	02/10/85	
Withdrawn	04/17/85	50 FR 15198

Small Entity: No

Additional Information: A 30-day public comment period was provided.

Analysis: Regulatory Evaluation 04/17/85 (50 FR 15198)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-1011**

RIN: 2125–AB33

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

1874. ● PUBLIC TRANSPORTATION FOR NONURBANIZED AREAS; RESCISSION OF REGULATION

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 825

Abstract: This document rescinds the FHWA regulation on the Public Transportation for Nonurbanized Areas Program (Sec. 18) because the provisions are obsolete. The Section 18 Program is now administered by the Urban Mass Transportation Administration (UMTA).

Timetable:

Action	Date	FR Cite
Recission of Regulation	07/18/85	50 FR 29209

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact)

Agency Contact: Richard A. Torbik, Department of Transportation, Federal Highway Administration, 400 7th Street, SW, Washington, D.C. 20590, **202 426-0233**

RIN: 2125–AB40

1875. ● METHODOLOGY FOR ATTRIBUTING FEDERAL HIGHWAY TRUST FUND RECEIPTS TO THE STATES; POLICY STATEMENT

Legal Authority: 23 USC 157; 23 USC 315

CFR Citation: 23 CFR Ch. 1

Abstract: The FHWA has issued a statement of policy describing the methodology used for attributing Federal Highway Trust Fund receipts to the States for use in determining the minimum allocation of Federal-Aid highway funds in accordance with 23 USC 157.

Timetable:

Action	Date	FR Cite
Final Action Policy Statement - 45 day comment period provided	06/21/85	50 FR 25812

Small Entity: No

Agency Contact: Thomas R. Weeks, Department of Transportation, Federal Highway Administration, 400 7th Street, SW, Washington, D.C. 20590, **202 426-0160**

RIN: 2125–AB41

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions
Nonsignificant Reviews

COMPLETED REVIEWS

1876. REAR END UNDERRIDE PROTECTION

Legal Authority: 49 USC 304; 49 USC 1655

CFR Citation: 49 CFR 393

Abstract: This regulation has been selected on review to improve rear end protection on heavy motor vehicles in conjunction with action taken by the National Highway Traffic Safety Administration on January 18, 1981. The results obtained from this review will be utilized in the rulemaking relating to Parts and Accessories of Motor Carriers. This rulemaking will be undertaken pursuant to section 210 of the Motor Carrier Safety Act of 1984. See "Other Rulemakings" portion of agenda "Parts and Accessories Necessary for State Operation."

Timetable:

Action	Date	FR Cite
Begin Review	06/00/83	
End Review	06/01/85	

Small Entity: No

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-1011**

RIN: 2125–AA58

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Current and Projected Rulemakings
Significant

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1877. NATIONAL MINIMUM DRINKING AGE

Significance: Agency Priority

Legal Authority: 23 USC 158

CFR Citation: 23 CFR 1206, (New)

Abstract: Would prescribe requirements necessary to implement 23 U.S.C. 158, which provides penalties for States that don't adopt twenty-one as the Minimum Drinking Age. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: No

Government Levels Affected: State

Agency Contact: George Reagle, Associate Administrator, Department of Transportation, National Highway Traffic Safety Administration, for Traffic Safety Programs, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0837**

RIN: 2127-AB30

1878. ● CHILD RESTRAINT SYSTEMS

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 213

Abstract: Would amend Standard No. 213 "Child Restraint Systems" by requiring those child restraints equipped with a tether strap to pass the 30 mile per hour(mph) test without attaching the tether strap and eliminating the requirement that tethered restraints be subjected to the 20 mph test.This action is considered significant due to substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 27633
NPRM Comment Period Begin	06/28/85	50 FR 27633
NPRM Comment Period End	08/19/85	
Final Action	12/00/85	
Final Action Effective	12/00/85	

Small Entity: Not Applicable

Analysis: Preliminary Regulatory Evaluation 06/28/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 7th St., Washington, DC 20590, **202 426-0842**

RIN: 2127-AB72

1879. TRUCK REAR UNDERRIDE PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: Would require protective devices to reduce vehicle penetration under the rear-ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices).

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Analysis: Draft RFA 01/08/81

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA43

1880. PEDESTRIAN PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015

Next Action Undetermined

Small Entity: Yes

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA45

1881. HEAVY TRAILER STABILITY

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: In response to a petition for rulemaking, the agency is proposing a new regulation to add a requirement that 102-inch wide trailers be equipped with axle tracks having a minimum axle width of 77 inches. An advanced notice of proposed rulemaking seeking comments on the safety issue raised by the petition was published on May 22, 1984 (49 FR 21551). This rulemaking is significant because of the possible substantial impact on the industry and because it is a joint venture involving two operating administrations.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/84	49 FR 21551
ANPRM Comment Period Begin	05/22/84	49 FR 21551
ANPRM Comment Period End	08/20/84	

Next Action Undetermined

Small Entity: Yes

Additional Information: This regulation is a joint endeavor of NHTSA and the Bureau of Motor Carrier Safety (BMCS). A departmental task force will be formed in February 1985 to analyze the economic issues associated with this undertaking. Thus, further public action awaits the results of the task force analysis, which are anticipated in June 1985.

Analysis: To Be Determined

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB42

1882. ● ANTHROPOMORPHIC TEST DUMMIES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571; 49 CFR 572

Abstract: Proposes to adopt the hybrid III test Dummy as an alternative to the Part 572 Test Dummy in testing done in accordance with Standard No. 208, Occupant Crash Protection. Would amend Standard NO. 208 and Part 572.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 14602
NPRM Comment Period Begin	04/08/85	50 FR 14602
NPRM Comment Period End	06/11/85	

Next Action Undetermined

Small Entity: Not Applicable

Analysis: Preliminary Regulatory Evaluation 04/08/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St. SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB68

1883. COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights).

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 80-9.

Research underway.

Analysis: Draft RFA 00/00/00

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA12

1884. SEAT BELT ASSEMBLIES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Abstract: To improve seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance of seat belt assemblies. Subject to review under Executive Order 12291. Final Rule in partial response to petitions for reconsideration deferring effective date from September 1, 1982, to September 1, 1983, published February 18, 1982 (47 FR 7254). FR deferring effective date to September 1, 1985, published June 2, 1983 (48 FR 24717). NHTSA plans to amend certain of the previous requirements.

Timetable:

Action	Date	FR Cite
Previous NPRM	12/31/79	44 FR 77210
Final Action	01/08/81	46 FR 2064
Final Action deferring effective date to 09/01/83	02/18/82	47 FR 7254
NPRM to defer effective date to 09/01/85	11/15/82	47 FR 51432
Final Action to defer effective date to 09/01/85	06/02/83	48 FR 24717
NPRM	04/12/85	71 FR 14580
NPRM Comment Period Begin	04/12/85	71 FR 14580
NPRM Comment Period End	05/28/85	
Final Action	09/30/85	
Final Action Effective	09/30/86	

Small Entity: No

Additional Information: Docket No. 74-14. NPRM, Notice 17; FR, Notice 19; FR deferring effective date, Notice 24; NPRM for additional deferral of effective date, Notice 29. FR for additional deferral, Notice 30.

Analysis: Preliminary Regulatory Evaluation 04/12/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA35

1885. OCCUPANT CRASH PROTECTION - TEST PROCEDURES AND OTHER ISSUES

Significance: Regulatory Program

Legal Authority: 15 USC 1392 National Traffic and Motor Vehicle Safety Act ETC; 15 USC 1407 National Traffic and Motor Vehicle Safety Act ETC

CFR Citation: 49 CFR 571.208; 49 CFR 572

Abstract: This rulemaking addresses the test procedures used in compliance testing, the dummy used for such testing, and the oblique angle test requirement in the automatic occupant crash protection standard. It also addresses some related issues including the standard's applicability to convertibles, reporting requirements for manufacturers, and the exercise of "due care" by manufacturers, in complying with the standard. This rulemaking will consider whether the Hybrid III dummy or a variation may be substituted for the dummy currently specified in 49 CFR 572 at some future time with corresponding changes in, or additions to the injury criteria established by the existing Federal Motor Vehicle Safety Standard 208. The costs and benefits of these various proposed changes are not yet known. This regulation is significant because of its involvement with departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14589
NPRM Comment Period Begin	04/12/85	50 FR 14589
NPRM Comment Period End	05/28/85	
Final Action	10/00/85	

Small Entity: Undetermined

Analysis: Preliminary RIA 09/30/84; Preliminary Regulatory Evaluation 04/12/85

Agency Contact: Barry Felrice, Associate Administrator for Rulemaking, Department of Transportation, National Highway Traffic Safety Administration, NRM-01, 400 Seventh Street, S.W., Washington, DC 20590, **202 426-1810**

RIN: 2127-AB20

1886. OCCUPANT CRASH PROTECTION - RESPONSE TO PETITIONS FOR RECONSIDERATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392 National Traffic and Motor Vehicle Safety Act ETC; 15 USC 1407 National Traffic and Motor Vehicle Safety Act ETC

CFR Citation: 49 CFR 571.208

Abstract: This rulemaking responds to petitions for reconsideration of the Secretary's final rule on Standard No. 208. The petitions requested changes on the following actions: permitting compliance with the automatic restraint requirement by installing driver-only, non-belt systems during the phase-in period; rescinding the standard; requiring automatic restraints regardless of what action States take in adopting mandatory belt use laws (MULs); providing additional leadtime for implementation of the automatic restraint requirements; allowing States to authorize waivers from a belt use requirement if use of a belt interferes unduly with job-related use of vehicles; deleting the mitigation of damages provision from the MUL criteria; and eliminating the MUL criteria on the penalty for not wearing a belt and State enforcement efforts.

Timetable:

Action	Date	FR Cite
Final Action	09/01/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Barry Felrice, Associate Administrator for Rulemaking, Department of Transportation, National Highway Traffic Safety Administration, NRM-01, 400 7th Street, SW, Washington, DC 20590, **202 426-1810**

RIN: 2127-AB45

1887. ● SEAT BELT ASSEMBLY ANCHORAGES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Abstract: To permit securing of child safety seats, would require vehicles with automatic restraint systems at the right front passenger seating positions to have an anchorage for a lap belt.

Timetable:

Action	Date	FR Cite
NPRM	12/11/80	45 FR 81625
Final Action	10/00/85	

Small Entity: Not Applicable

Analysis: Final Regulatory Evaluation 10/00/85

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB70

1888. CHILD SEATING SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Abstract: Would amend FMVSS 213 to change its buckle release pressure requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/05/83	48 FR 20259
Final Action	09/30/85	

Small Entity: No

Additional Information: Docket No. 74-09. NPRM, Notice 12.

Analysis: Regulatory Evaluation (Minimal) 09/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA80

FUEL ECONOMY STANDARDS

1889. POST-1985 PASSENGER CAR FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Abstract: The agency has granted a petition from the Center for Auto Safety to examine the feasibility of raising the existing post-1986 passenger car average fuel economy standard of 27.5 mpg. The agency has published a grant notice of the petition (49 FR 46770) and a request for comments (49 FR 48064). The agency has also granted petitions from Ford and General Motors requesting the lowering of post-1985 standards. The agency has published a grant notice of the petitions which requested comments, 50 FR 12344. The agency plans to issue two notices of proposed rulemaking. The initial proposed rule was issued on July 22, 1985 and proposed to reduce the 1986 standard. The second one, which will be issued at approximately the same time as a final decision is announced for the 1986 standard, will address the standards for 1987 and thereafter.

Timetable:

Action	Date	FR Cite
Grant for petition for Rulemaking	11/28/84	49 FR 6770
Request for comments	12/10/84	49 FR 48064
NPRM	07/22/85	50 FR 29912

Next Action Undetermined

Small Entity: No

Analysis: Preliminary RIA 07/22/85

Agency Contact: William Boehly, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB32

1890. MY 1987 LIGHT TRUCK FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Abstract: In accordance with the mandatory requirements of Section 502 (b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking would establish light truck average fuel economy standards for model year 1987. The initial NPRM proposed standards for model year 1986 and 1987. The Standards for model year 1986 were published on October 22, 1984 (49 FR 41250).

Timetable:

Action	Date	FR Cite
NPRM	03/08/84	49 FR 8637
NPRM Comment Period Begin	03/08/84	49 FR 8637
NPRM Comment Period End	04/09/84	
Final Action	09/01/85	

Small Entity: No

Analysis: Preliminary RIA 03/08/84; Final RIA 09/01/85

Agency Contact: William Boehly, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB33

1891. ● MY 1988 LIGHT TRUCK FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Abstract: In accordance with the mandatory requirements of Section 502(b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking would establish light truck average fuel economy standards for model year 1988.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: William Boehly, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB69

REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS

1892. THEFT PREVENTION STANDARD

Significance: Regulatory Program

Legal Authority: PL 98-547 Motor Vehicle Theft Law Enforcement Act of 1984

CFR Citation: 49 CFR 541

Abstract: In response to the provisions of the Motor Vehicle Theft Law Enforcement Act of 1984, a new standard would be established that would require certain major vehicle parts determined to have high theft potential be marked with the vehicle identification number or a derivative thereof.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19728
NPRM Comment Period Begin	05/10/85	50 FR 19728
NPRM Comment Period End	06/10/85	
Final Action	09/30/85	

Small Entity: Yes

Government Levels Affected: Local, State, Federal

Analysis: Preliminary Regulatory Evaluation 05/10/85

Agency Contact: William Boehly, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB31

1893. ● PROCEDURES FOR SELECTION OF COVERED VEHICLES; MOTOR VEHICLE THEFT LAW ENFORCEMENT ACT OF 1984

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 542

Abstract: Proposes procedures for selecting high theft motor vehicle lines to be covered under the proposed vehicle theft prevention standard.

Timetable:

Action	Date	FR Cite
NPRM	06/20/85	50 FR 25603
NPRM Comment Period Begin	06/20/85	50 FR 25603
Final Action Effective	07/01/85	
NPRM Comment Period End	07/05/85	
Final Action	09/01/85	

Small Entity: Not Applicable

Analysis: Reg. Evaluation (Minimal) 06/20/85

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh St., SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB73

1894. ANTHROPOMORPHIC TEST DUMMIES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Abstract: Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA48

1895. SPLASH AND SPRAY SUPPRESSION DEVICES

Significance: Regulatory Program

Legal Authority: 49 USC 2314

CFR Citation: 49 CFR 583

Abstract: In accordance with the mandate of section 414 of the Surface Transportation Assistance Act of 1982, would establish minimum standards with respect to the performance of splash and spray suppression devices on truck tractors, semitrailers and trailers. Would also establish minimum standards with respect to the installation of splash and spray suppression devices on new vehicles. This regulation is significant because it is potentially controversial.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14632
NPRM Comment Period Begin	04/12/85	50 FR 14632
NPRM Comment Period End	08/12/85	
Final Action Effective	12/00/85	

Small Entity: Yes

Additional Information: NHTSA's rulemaking would only affect new vehicles and equipment. However, section 414 of the Surface Transportation Assistance Act also mandates that the Department of Transportation establish minimum standards with respect to the installation of splash and spray devices for vehicles already in service. The Federal Highway Administration will conduct the rulemaking to satisfy that mandate. The Federal Highway Administration has classified its rulemaking as major. The costs of that rulemaking are expected to be much greater than NHTSA's rulemaking since (1) the population of vehicles in service is many times the annual production of new trucks, (2) a truck manufacturer will pay less per unit for each splash and spray suppression device when ordered in large quantities, and (3) the labor time to install the devices is far less for a new truck manufacturer, since it can be done at the assembly plant. In 1984, the Surface Transportation Assistance Act was amended to change the implementation date from 1/1/85, for new vehicles and 1/1/88, for vehicles in service, to one year after publication of the Final Rule for new vehicles & 3 years later for vehicles in service.

Analysis: Preliminary Regulatory Evaluation 04/12/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Avenue, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA97

1896. UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Abstract: Would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability and uniform grade assignment procedure would be established. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: Merged with RIN 2127-AA51, Uniform Tire Quality Grading

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 426-1740**

RIN: 2127-AB21

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1897. FLAMMABILITY OF SCHOOL BUS INTERIOR MATERIALS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: Would utilize guidelines prescribed by UMTA to define flammability characteristics of School Bus Interior Materials.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA44

1898. SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: Would update the definition of Seating Reference Point to incorporate latest industry practices and amend Standards 103, 104, 107 and 111 to reference SAE Recommended Practice J941e, Motor Vehicle Driver's Eye Range, instead of an earlier version of that recommended practice.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. 82-05.

Analysis: Regulation Evaluation (Minimal) 10/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA46

1899. CONTROLS AND DISPLAYS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.101

Abstract: Would amend the light intensity requirements of Standard No. 101 to permit informational readout displays to be used for telltales. The agency plans to issue a supplementary NPRM with respect to these and other possible issues relating to the application of new electronic technology to controls and displays.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	47 FR 4541

Small Entity: No

Additional Information: Docket No. 1-18. NPRM, Notice 21. The comments to the Notice of Proposed Rulemaking, NPRM, of 02/01/82 (47 FR 4541) and an agency task force review have led to the decision to issue a new NPRM on the subject.

Analysis: Regulatory Evaluation (minimal) 09/30/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA06

1900. WINDSHIELD DEFOGGERS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.103

Abstract: In response to a petition for rulemaking, would require windshield defogging systems in passenger cars, multipurpose passenger vehicles, trucks and buses built for sale in parts of the United States other than the continental portion. (Defogging systems are already required for vehicles built for sale in the continental United States.)

Timetable:

Action	Date	FR Cite
NPRM	07/14/83	48 FR 32200
Final Action	10/00/85	

Small Entity: No

Additional Information: Docket No. 83-10. NPRM, Notice 1.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, **202 426-0842**

RIN: 2127-AA91

1901. BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Abstract: Would propose a New Standard No. 135. "Passenger Car Brake System", which would replace Standard No. 105, "Hydraulic Brake System," as it applies to that vehicle type. New Standard would differ from the existing one primarily in that it contains a revised and shortened test procedure based on a draft harmonized international procedure developed by the United Nations Economic Commission for Europe (ECE).

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
NPRM Comment Period Begin	05/10/85	
NPRM Comment Period End	12/16/85	
Final Action	07/00/86	

Small Entity: No

Additional Information: Docket No. 79-18.

Analysis: Preliminary Regulatory Evaluation 05/10/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA13

1902. HYDRAULIC AND AIR BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Abstract: In response to a petition for rulemaking, would amend the brake burnish procedures specified for vehicles over 10,000 pounds by Standards No. 105 and No. 121. Based on comments to NPRM of 06/27/83 (48 FR 29560) a new NPRM is deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	06/27/83	48 FR 29560
SNPRM	05/23/85	50 FR 21313
Comment Period Ends	11/19/85	50 FR 21313
Final Action	06/00/86	

Small Entity: No

Additional Information: Docket Nos. 70-27 and 83-07. NPRM, Docket No. 70-27, Notice 26; Docket No. 83-07, Notice 1.

Analysis: Regulatory Evaluation (Minimal) 05/23/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 426-0842**

RIN: 2127-AA92

1903. HYDRAULIC BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Abstract: In response to a petition for rulemaking, would permit smaller brake fluid reservoirs in vehicles with a GVWR greater than 10,000 pounds that are equipped with self-adjusting brakes and brake fluid level indicators.

Timetable:

Action	Date	FR Cite
NPRM	07/28/83	48 FR 34306
To be terminated	11/00/85	
Final Action	11/00/85	

Small Entity: No

Additional Information: Docket No. 70-27.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 426-0842**

RIN: 2127-AA94

1904. BRAKE HOSES

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.106

Abstract: Would consider amending portions of the standard that relate to adhesion properties of hose layers on air and vacuum brake hoses. This action results from a petition for rulemaking.

Timetable:

Action	Date	FR Cite
Notice granting petition for Rulemaking	02/18/82	47 FR 7293
NPRM	05/22/85	50 FR 21090
NPRM Comment Period Begin	05/22/85	50 FR 21090
NPRM Comment Period End	07/22/85	
Final Action	01/00/86	

Small Entity: No

Additional Information: Docket No. 82-02.

Analysis: Regulatory Evaluation (Minimal) 05/22/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA90

1905. ● BRAKE HOSES

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.106

Abstract: Response to grant of a petition to amend the tensile strength test for air brake hose which is included in Section 7.3.10 of FMVSS No. 106.

Timetable:

Action	Date	FR Cite
ANPRM	03/20/85	50 FR 11209

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB74

1906. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition, would delete the requirement for use of a "Test Bulb" with stringent filament location specifications in testing lamp assemblies.

Timetable:

Action	Date	FR Cite
NPRM	09/01/85	

Small Entity: No

Analysis: Regulatory Evaluation (Minimal) 08/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA16

1907. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition for rulemaking, would provide an alternative location for front identification lamps on vehicles whose overall width exceeds 80 inches, allowing them to be mounted on the top of the vehicle.

Timetable:

Action	Date	FR Cite
NPRM	02/22/82	47 FR 7911
Final Action	10/00/85	

Small Entity: No

Additional Information: Docket No. 82-04. NPRM, Notice 1.

Analysis: Regulatory Evaluation (minimal) 10/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA18

1908. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: Withdrawn because glare problem appeared minimal and demonstrable safety benefit in maintaining current location.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	

Small Entity: No

Additional Information: Docket No. 82-03.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA19

1909. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: Would amend FMVSS 108 to allow installation of a modulating headlamp on motorcycles. Final Rule expected August 1985.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 42009
SNPRM	08/28/84	49 FR 34049
Final Action	09/01/85	

Small Entity: No

Additional Information: Docket No. 82-16. NPRM, Notice 1.

Analysis: Regulatory Evaluation (Minimal) 08/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA77

1910. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition, would amend Safety Standard No. 108 to allow clearance and identification lamps of large vehicles to flash when the hazard warning system is operating. The proposed change could enhance the conspicuity of large, disabled vehicles.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	10/25/84	49 FR 42965
NPRM Comment Period End	12/10/84	
NPRM	10/25/85	49 FR 42965
Final Action	10/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (Minimal) 10/00/85

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB35

DOT—NHTSA

Current and Projected Rulemakings
Nonsignificant

1911. LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition, Safety Standard No. 108 (Lamps, Reflective Devices and Associated Equipment) would be amended to permit the use of two new miniature standardized replaceable light sources in replaceable bulb headlamp systems, and an improved version of the H-4 European light source designed for U.S. safety needs.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19961
NPRM Comment Period Begin	05/13/85	50 FR 19961
NPRM Comment Period End	06/27/85	
Final Action	10/00/85	

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 05/13/85; Final Regulatory Evaluation 10/05/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB37

1912. LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition, Safety Standard No. 108 (Lamps, Reflective Devices and Associated Equipment), would be amended to permit simultaneous use of lower and upper beams, co-aiming and optional availability of an auxiliary filament in a lower beam lamp, for Type F sealed beam headlamp systems.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19986
NPRM Comment Period Begin	05/13/85	50 FR 19986
NPRM Comment Period End	06/12/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: This proposed rulemaking is a continuation of the final rule (49 FR 50176) in which Type F sealed beam headlamp system was permitted for use on new motor vehicles after July 1, 1985.

Analysis: Regulatory Evaluation (Minimal) 05/13/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB39

1913. REAR VIEW MIRROR SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA21

1914. REAR VIEW MIRROR SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA23

1915. REAR VIEW MIRRORS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Abstract: This proposal would amend FMVSS 111 by establishing requirements for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. FR to permit use of passenger side convex mirrors published. FR responding to petitions and clarifying 1982 FR published. The agency plans to terminate rulemaking with respect to remaining issues.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
Final Action to permit use of passenger side convex mirrors published	09/02/82	47 FR 38698
Final Action responding to petitions and clarifying 1982 FR published	08/26/83	48 FR 38842

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4; FR, Notice 6; FR, Notice 7.

Action to be terminated with respect to other issues.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA88

1916. REFEREE BRAKE FLUIDS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.116

Abstract: Would amend the requirements of Standards 106 and 116 to specify new material composition for the referee brake fluid used for compatibility testing. The referee brake fluid currently specified is difficult to obtain and would be replaced by new materials specified by SAE.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9294
NPRM Comment Period Begin	03/07/85	50 FR 9294
NPRM Comment Period End	05/06/85	
Final Action	11/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (Minimal) 03/07/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB09

1917. HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Abstract: Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
Previous ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA00

1918. AIR BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Abstract: Would revise the requirements in Standard No. 121 for parking and emergency brake functions for trailers. Based on comments to NPRM of 02/23/81 (46 FR 37952) a new NPRM is deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
SNPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA27

1919. STEERING CONTROL REARWARD DISPLACEMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.204

Abstract: Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13402
NPRM Comment Period Begin	04/04/85	50 FR 20919
NPRM Comment Period End	07/19/85	
Final Action	12/00/85	

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 04/04/85; Draft RFA 00/00/00

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA32

1920. ● OCCUPANT CRASH PROTECTION

Legal Authority: 15 USC 1392; 14 USC 1407

CFR Citation: 49 CFR 571.208

Abstract: Proposes an amendment to standard No. 208, Occupant Crash Protection, to upgrade the safety requirements for new trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of more than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 23041
NPRM Comment Period Begin	05/24/85	
NPRM Comment Period End	07/15/85	

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Evaluation (Minimal) 05/24/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB71

1921. SEAT BELT ASSEMBLY ANCHORAGES

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Abstract: Would propose amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE) Regulation No. 14 and to upgrade other requirements and clarify language.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Analysis: Evaluation type to be determined 11/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA95

1922. MOTORCYCLE HELMETS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.218

Abstract: The proposal would add new headform sizes to FMVSS 218.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Undetermined

Analysis: Preliminary Regulatory Evaluation 09/30/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA40

1923. AIR BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Abstract: Would amend the brake application and release timing requirements and test devices in FMVSS No. 121 in order to better simulate the real world performance with respect to towing and towed units, especially multi-trailer combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20113
NPRM Comment Period Begin	05/14/85	50 FR 20113
NPRM Comment Period End	06/28/85	
NPRM Comment Period Extended to 12-30-85	12/30/85	50 FR 27032

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 05/14/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB12

REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS

1924. HIGHWAY SAFETY STANDARDS

Legal Authority: 23 USC 402

CFR Citation: 23 CFR 1204

Abstract: This joint NHTSA/FHWA rulemaking would amend seven of the 18 Highway Safety Standards to eliminate apparent Federal paperwork requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34513
NPRM Comment Period Begin	08/31/84	49 FR 34513
NPRM Comment Period End	10/01/84	
Final Action	09/30/85	

Small Entity: No

Agency Contact: George Reagle, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0837**

RIN: 2127-AA96

1925. INCENTIVE GRANT CRITERIA FOR ALCOHOL TRAFFIC SAFETY PROGRAMS--AMENDMENT

Legal Authority: 23 USC 408

CFR Citation: 23 CFR 1209

Abstract: Would amend the 408 grant program to expand the scope of the regulation to include programs for the treatment, rehabilitation of and research into drugged driving and to establish a special grant for states with minimum sentencing requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/16/85	50 FR 20438
NPRM Comment Period Begin	05/16/85	
NPRM Comment Period End	06/17/85	
Final Action	10/00/85	

Small Entity: No

Government Levels Affected: State

Agency Contact: George Reagle, Assoc. Administrator for Traffic Safety Prgm, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0837**

RIN: 2127-AB23

1926. NATIONAL DRIVER REGISTER

Legal Authority: 23 USC 401 Note

CFR Citation: 23 CFR 1325

Abstract: The National Driver Register Act of 1982 directs the agency to establish a new National Driver Register (NDR) that will assist states in electronically exchanging information about problem drivers. This rulemaking will establish the procedures for making an orderly transition from the current NDR system to the electronic system mandated by the act. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38648
NPRM Comment Period Begin	10/01/84	
NPRM Comment Period End	10/31/84	
Final Action	09/01/85	

Small Entity: No

Additional Information: CFR citation to be determined.

Analysis: Regulatory Evaluation 10/01/84

Agency Contact: Clay Hatch, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Avenue, SW, Washington, DC 20590, **202 426-4800**

RIN: 2127-AA98

1927. VEHICLE CLASSIFICATION - COMPACT VANS/STATION WAGONS

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571; 49 CFR 523

Abstract: Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: S. Wood, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2992**

RIN: 2127-AA57

1928. DEFECT AND NONCOMPLIANCE REPORTS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 573

Abstract: In response to a petition, the agency would propose to delete certain information currently required to be included in the quarterly reports submitted to NHTSA by a motor vehicle or motor vehicle equipment manufacturer conducting a defect or noncompliance notification campaign.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 12056
NPRM Comment Period Begin	03/27/85	50 FR 12056
NPRM Comment Period End	05/28/85	
Final Action	10/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: George Parker, Associate Administrator for Enforcement, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-9700**

RIN: 2127-AB44

1929. CONSUMER INFORMATION--STOPPING DISTANCE

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.101

Abstract: Would modify requirements for stopping distance consumer information. A notice was published approving various alternatives concerning the requirement to provide stopping distance information. Comments are under review and analysis.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30166
NPRM Comment Period Begin	06/30/83	
NPRM Comment Period End	08/05/83	
Final Action	12/00/85	

Small Entity: No

Additional Information: Docket No. 83-09. NPRM, Notice 1.

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AA50

1930. CONSUMER INFORMATION - WET STOPPING DISTANCE

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.105

Abstract: Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AA56

1931. CRASHWORTHINESS RATINGS

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Abstract: Ratings: Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-17. NPRM, Notice 1. Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947; Notice 2).

Analysis: Preliminary RIA 01/22/81

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AA03

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Existing Regulations Under Review
Significant

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1932. CHILD SEATING SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/84	
End Review	09/30/85	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA70

1933. SIDE DOOR STRENGTH

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Abstract: This regulation provides minimum standards for side door crash resistance for passenger cars under static test conditions. NHTSA estimates that the standard saves 2,800 lives and averts 7,000 injuries a year. A recurring cost of $300 million (an additional cost of $38 per vehicle) is associated with the requirement. An initial review of this regulation, originally promulgated in 1974, was completed in 1979.

Timetable:

Action	Date	FR Cite
Comments docketed		
Evaluation Report published	12/06/82	47 FR 54839

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA59

REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS

1934. UNIFORM TIRE QUALITY GRADING

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Abstract: Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AA52

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Existing Regulations Under Review
Nonsignificant

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1935. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: This standard, which is applicable to both motor vehicles and equipment, specifies requirements for original and replacement lamps, reflective devices, and associated equipment necessary for signaling and for the safe operation of motor vehicles during darkness and other conditions of reduced visibility. The standard is being reviewed because of its relatively high costs and to refine previous agency estimates of its effectiveness. At the present time, the review is limited to the standards requirements for side marker lamps. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. A review has determined that this rule has minimal effects on small entities and therefore a Regulatory Flexibility Act Review (RFA Review) is not required. The rule will still be reviewed as a priority review item.

Timetable:

Action	Date	FR Cite
Comments docketed		
Evaluation Report published	08/01/83	48 FR 34783

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA60

1936. OCCUPANT PROTECTION IN INTERIOR IMPACT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multi-purpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review because of costs, safety benefits and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	12/00/86	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AB16

1937. WINDSHIELD GLAZING MATERIALS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Abstract: This regulation was selected for review because of costs, and safety benefits.

Timetable:

Action	Date	FR Cite
Evaluation Report published	02/00/85	

Next Action Undetermined

Small Entity: No

Additional Information: Evaluation Report will be completed.

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA73

1938. SEATING SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Abstract: This regulation was selected for review because of costs.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/86	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA69

1939. WINDSHIELD MOUNTING

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.212

Abstract: This regulation was selected for review because of costs, and safety benefits.

Timetable:

Action	Date	FR Cite
Evaluation Report published	02/00/85	

Next Action Undetermined

Small Entity: No

Additional Information: Evaluation report will be completed.

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA74

1940. SCHOOL BUS SEATING SYSTEM

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/85	
End Review	12/00/85	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA65

1941. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Legal Authority: EO 12291

CFR Citation: 49 CFR 571.301

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage or after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Act Review is not required. The rule will still be reviewed as a priority review item. Subsequent to completion of the study and provision for public comment, the Agency will consider whether changes should be made in the standard's requirements.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/85	
End Review	06/00/86	

Small Entity: No

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AB43

REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS

1942. VOLUNTARY TIRE REGISTRATION

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1418; 15 USC 1421

CFR Citation: 49 CFR 574

Abstract: This regulation requires that independent tire dealers provide customers with a card to register newly purchased tires so that the customer may send in the completed card. These dealers were formerly required to register the tires for the customer, a requirement which has been retained for manufacturer-owned stores. The Motor Vehicle Safety and Cost Savings Authorization Act of 1982 requires that an evaluation be conducted.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/83	
Evaluation and Report	10/00/85	

Small Entity: No

DOT—NHTSA

Existing Regulations Under Review
Nonsignificant

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127–AB18

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions
Significant

COMPLETED RULEMAKINGS

1943. CHILD RESTRAINT TETHER ANCHORAGES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Abstract: Would require lap belt and tether anchorages for use with child restraint systems. Alternatives being considered are whether to require anchorages and how many anchorages per car should be provided. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM		45 FR 81625
Withdrawn	07/05/85	50 FR 27632

Small Entity: No

Additional Information: Research and studies since the NPRM was published have led to the conclusion that a more effective way of improving overall child seat safety is to amend FMVSS No. 213, "Child Restraint System," to subject all child safety seats to the 30 mph simulated crash test without attaching the tether strap.

Analysis: Final Regulatory Evaluation 07/05/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127–AA39

1944. CHILD RESTRAINT SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Abstract: Would amend Safety Standard No. 213, Child Restraint Systems, to specify more objective criteria for the testing procedures and determine compliance with the inversion requirement specified in this standard. The inversion test was added to the standard in a final rule (49 FR 34357), and is an optional requirement with which compliance must be certified if a child restraint manufacturer wishes to certify its restraints for use in both motor vehicles and aircraft.

Timetable:

Action	Date	FR Cite
NPRM	08/30/84	49 FR 34374
NPRM Comment Period Begin	08/30/84	49 FR 34374
NPRM Comment Period End	10/15/84	
Final Action	04/17/85	50 FR 15154
Final Action Effective	04/17/85	50 FR 15154

Small Entity: No

Analysis: Regulatory Evaluation (Minimal) 04/17/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127–AB41

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions
Nonsignificant

COMPLETED RULEMAKINGS

1945. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition for rulemaking, would amend the standard to reduce from 12 to 8 square inches the minimum effective projected luminous lens area of rear stop and turn signal lamps for large vehicles 80 inches or more in overall width.

Timetable:

Action	Date	FR Cite
NPRM	10/22/81	46 FR 51793
Withdrawn	03/22/85	50 FR 11506

Small Entity: No

Additional Information: Docket No. 81-19. NPRM, Notice 1.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127–AA17

1946. LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

DOT—NHTSA

Completed Actions
Nonsignificant

Abstract: In response to a petition for rulemaking, Safety Standard No. 108 (Lamps, Reflective Devices and Associated Equipment) would be amended to allow motor vehicles to be equipped with replaceable bulb headlamp systems consisting of either four lamps with single standardized replaceable light sources, or two lamps with two such light sources. Currently, Standard No. 108 only permits replaceable bulb systems comprised of two lamps with single standardized light sources. The proposed amendment would relieve the current design restriction that allows only two lamp single light source systems.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 47880
NPRM Comment Period Begin	12/07/84	49 FR 47880
NPRM Comment Period End	01/14/85	
Final Action	05/22/85	50 FR 21052
Final Action Effective	05/22/85	50 FR 21052

Small Entity: No

Analysis: Final Regulatory Evaluation 05/22/85; Final Regulatory Evaluation 05/00/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB40

1947. NEW PNEUMATIC TIRES FOR MOTOR VEHICLES OTHER THAN PASSENGER CARS AND TIRE IDENTIFICATION AND RECORDKEEPING

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 1421

CFR Citation: 49 CFR 571.19; 49 CFR 574

Abstract: In response to a petition, the labeling requirements of Standards No. 119 and regulation part 574 would be amended to accommodate a new tire concept.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37815
NPRM Comment Period Begin	09/26/84	49 FR 37815
NPRM Comment Period End	11/13/84	
Final Action	03/18/85	50 FR 10772
Final Action Effective	05/02/85	50 FR 10772

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standard, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB34

1948. DOOR LOCKS AND DOOR RETENTION COMPONENTS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.206

Abstract: Would change the applicability of the standard to exempt side doors equipped with wheel chair lifting devices.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37813
NPRM Comment Period Begin	09/26/84	49 FR 37813
NPRM Comment Period End	11/26/84	
Final Action	03/27/85	50 FR 12029
Final Action Effective	07/25/85	50 FR 12029

Small Entity: No

Analysis: Regulatory Evaluation (Minimal) 03/27/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB13

1949. TIRE IDENTIFICATION AND RECORDKEEPING

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 1421

CFR Citation: 49 CFR 574

Abstract: Would amend the regulation to give retreaders of tires for motor vehicles other than passenger cars on option, during the retreading process, of either removing the original manufacturer's DOT symbol from the retreaded tire or leaving the symbol on the tire.

Timetable:

Action	Date	FR Cite
NPRM	05/17/84	49 FR 20880
NPRM Comment Period Begin	05/17/84	49 FR 20880
NPRM Comment Period End	07/16/84	
Final Action	01/16/85	50 FR 2287
Final Action Effective	02/15/85	50 FR 2287

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB36

1950. HIGHWAY SAFETY PROGRAMS; ASSESSMENT AND STATUS

Legal Authority: 23 USC 402

CFR Citation: 23 CFR 1205

Abstract: This regulation identified five NHTSA areas for priority funding under the State and Community Highway Safety Grant Program. The review will assess the state of highway safety activity and determine the effect of the regulation nationwide, provide a trend analysis of changes in activity over several years and compare these trends with earlier periods of time. (A sixth area is covered by FHWA and will be reviewed by that agency.) Project cancelled for further consideration at this time.

Timetable:

Action	Date	FR Cite
Action terminated	07/12/85	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AB19

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions
Nonsignificant Reviews

COMPLETED REVIEWS

1951. HEAD RESTRAINTS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.202

Abstract: This regulation, which was promulgated in 1969, is designed to reduce the frequency and severity of neck injuries in passenger car accidents. It is estimated that the rule requires a recurring investment of $130 million (an additional cost of $19 per vehicle). This review is completed. An evaluation report was published in February 1982. Public comments were received, summarized and docketed. Project has been cancelled.

Timetable:

Action	Date	FR Cite
Comments docketed		
Evaluation Report published	02/18/82	47 FR 7291
End Review	03/00/85	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA58

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Current and Projected Rulemakings
Significant

1952. SPECIAL SAFETY INQUIRY; RAIL-HIGHWAY GRADE CROSSING SAFETY

Significance: Regulatory Program

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 00 CFR None

Abstract: The inquiry will obtain information from the public to assist in evaluating possible future courses of action to enhance public safety at railroad-highway grade crossings.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	06/18/84	49 FR 24968
Public Hearing, St. Paul, Minnesota	07/16/84	
Notice of Special Safety Inquiry	12/24/84	49 FR 49961
Public Hearing, Washington, D.C. begins 01/23/85	01/24/85	
Summary Report on Hearings	07/16/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSSI - 84-3.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA27

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Current and Projected Rulemakings
Nonsignificant

1953. SAFETY STANDARDS FOR CABOOSES

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 237

Abstract: The proposed rule would seek to establish comprehensive safety standards for cabooses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSC-76-6

Analysis: Regulatory Evaluation

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA01

1954. AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 905 OF THE 4R ACT

Legal Authority: PL 94-210

CFR Citation: 49 CFR 265

Abstract: This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Analysis: Regulatory Evaluation

Agency Contact: William Fashouer, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7710**

RIN: 2130–AA04

1955. RULES OF PRACTICE

Legal Authority: PL 96-354

CFR Citation: 49 CFR 211

Abstract: This proposed rule would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-8836**

RIN: 2130–AA07

1956. SPECIAL SAFETY INQUIRY; RAILROAD POWER BRAKES

Legal Authority: 45 USC 9

CFR Citation: 49 CFR 232.13

Abstract: The inquiry obtained information from the public that assisted FRA in evaluating currently available devices that can determine the brake pipe pressure on the rear car of a train and transmit the pressure reading to the cab of the controlling locomotive. The proposed rule would permit use of a telemetry device to determine the application and release of the brakes on the rear car of a train during the intermediate terminal air brake test.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	05/07/84	49 FR 19359
Public Hearing, Washington, D.C.	06/05/84	
NPRM	09/03/85	50 FR 35640
Notice of Change of Hearing Date	09/26/85	50 FR 39024
Public Hearing, Washington, D.C.	10/25/85	
Final Action	01/00/86	

Small Entity: No

Additional Information: Docket No. PB-7.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0897**

RIN: 2130–AA28

1957. REVIEW OF LOCOMOTIVE CAB SAFETY

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Abstract: The Agency is engaged in a review of the issue of locomotive cab environment. The review will evaluate possible future courses of action to enhance the safety of railroad employees who occupy locomotive cabs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, Washington, DC 20590, **202 426-0897**

RIN: 2130–AA32

1958. REVIEW OF RADIO COMMUNICATION

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 220

Abstract: The Agency is engaged in a review of the issue of radio communication in the railroad industry. The review will evaluate possible future courses of action to enhance the safety of railroad operations involving radio communication.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0897**

RIN: 2130–AA34

1959. ● REAR END DEVICE-PASSENGER COMMUTER AND FREIGHT TRAINS

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 221

Abstract: The proposed rule would permit railroads greater flexibility in selecting personnel to perform the required inspections and accommodate recently developed telemetry devices that provide an electronic check on the marker's condition.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35636
Public Hearing, Washington, D.C.	10/23/85	
Final Action	01/00/86	

Small Entity: No

Additional Information: Docket No. RSRM-2.

Analysis: Reg. Evaluation

Agency Contact: Philip Olekszk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, **202 426-0897**

RIN: 2130–AA39

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Existing Regulations Under Review
Nonsignificant

1960. REGULATORY FLEXIBILITY ACT REVIEWS

Legal Authority: PL 96-354

CFR Citation: 00 CFR None

Abstract: In accordance with the Regulatory Flexibility Act (RFA) review plan published in the Federal Register on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the Federal Register on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.

Timetable:

Action	Date	FR Cite
Review Plan	06/30/81	46 FR 33693
Notice of Safety Inquiry Review	08/03/81	46 FR 39461

Next Action Undetermined

Small Entity: Yes

Agency Contact: **Lawrence I. Wagner**, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-8836**

RIN: 2130-AA10

1961. ● SPECIAL SAFETY INQUIRY; POWER BRAKE REGULATIONS

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 232

Abstract: The inquiry will obtain information to assist in evaluation of the impact of the change in the power brake regulations made in August 1982 in Docket PB-6.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	09/03/85	50 FR 35643
Notice of Change of Hearing Date	09/26/85	50 FR 39025
Public Hearing, Washington, D.C.	10/24/85	

Small Entity: No

Additional Information: Docket RSSI-85-1.

Agency Contact: **Philip Olekszyk**, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, **202 426-0897**

RIN: 2130-AA40

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions
Significant

COMPLETED RULEMAKINGS

1962. ALCOHOL AND DRUGS

Significance: Agency Priority

Legal Authority: 45 USC 431

CFR Citation: 49 CFR 218; 49 CFR 217; 49 CFR 212; 49 CFR 219; 49 CFR 225

Abstract: The rule addresses the problem of alcohol and drug use by employees engaged in rail operations. Alcohol and drugs may impair the performance of operating employees such as train and engine crews, and such impairment has been implicated in a number of serious railroad accidents. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	07/05/83	49 FR 30723
NPRM	06/12/84	49 FR 24252
Public Hearing, Denver, Colorado to gather information	07/17/84	
Public Hearing, Chicago, Illinois to gather information	07/19/84	
Public Hearing, New Orleans, LA to gather information	07/23/84	
Technical Conference, Arlington, VA to gather information	08/01/84	
Public Hearing, Wash., DC to gather information	08/02/84	
Final Action	08/02/85	50 FR 31508
Correction and Amendment of Final Rule	09/24/85	50 FR 38660

Small Entity: No

Additional Information: Docket No. RSOR-6. FRA held public hearings previously at the ANPRM stage to gather information. Hearings were held in Atlanta, Georgia (July 25, 1983), Kansas City, Missouri (July 26, 1983), Sacramento, California (July 28, 1983), and Washington, D.C. (September 1, 1983).

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: **Walter Rockey**, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0895**

RIN: 2130-AA18

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions
Nonsignificant

COMPLETED RULEMAKINGS

1963. SPECIAL SAFETY INQUIRY; RAIL PASSENGER EQUIPMENT

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 00 CFR None

Abstract: Special Safety Inquiry will obtain information to assess the potential impact of technological developments and operational changes on rail passenger equipment.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	01/17/84	49 FR 02045
Public Hearing	05/29/84	
Action Terminated	06/17/85	

Small Entity: No

Additional Information: A public hearing was held in Washington, D.C. on May 29, 1984 (Docket No. RSSI-84-1).

Agency Contact: Phil Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA25

1964. RAILROAD LOCOMOTIVE SAFETY STANDARDS

Legal Authority: 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Abstract: The final rule revises 49 CFR Part 229 to reduce or eliminate certain reporting and recordkeeping requirements pertaining to railroad locomotive inspections.

Timetable:

Action	Date	FR Cite
NPRM	05/11/84	49 FR 20029
Final Action	02/19/85	50 FR 6592

Small Entity: No

Additional Information: Docket No. LI-7, Notice No. 1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA29

1965. RAILROAD OPERATING RULES

Legal Authority: 45 USC 431

CFR Citation: 49 CFR 217.13

Abstract: The final rule eliminates the annual report requirement in 49 CFR 217.13 for railroads with fewer than 400,000 annual manhours.

Timetable:

Action	Date	FR Cite
NPRM	05/11/84	49 FR 20028
Final Action	02/27/85	50 FR 7918

Small Entity: No

Additional Information: Docket No. RSOR-8, Notice No. 1.

Analysis: Regulatory Evaluation 02/27/85

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA30

1966. FREIGHT CAR SAFETY STANDARDS

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 215.103

Abstract: The final rule clarifies the definition of a defective wheel. It proposes a technical correction to 49 CFR 215.103 to eliminate confusion over the proper measurement and extensiveness of discoloration found on freight car wheels due to an oxidation process that occurs after a wheel has been subject to thermal abuse.

Timetable:

Action	Date	FR Cite
NPRM	06/22/84	49 FR 25645
Public Hearing, Washington, D.C.	07/26/84	
Notice of Additional Public Hearings	12/17/84	49 FR 48952
Public Hearing, Washington, D.C.	01/17/85	
Public Hearing, Washington, D.C.	03/12/85	
Final Action	04/04/85	50 FR 13381

Small Entity: No

Additional Information: Docket No. RSFC-6

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA31

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions
Nonsignificant Reviews

COMPLETED REVIEWS

1967. SPECIAL SAFETY INQUIRY

Legal Authority: PL 96-354

CFR Citation: 00 CFR None

Abstract: FRA initiated a Railroad Safety Inquiry to obtain information from the public to assist in evaluating and improving its safety regulatory program as it applies to "small railroads." The inquiry also assisted in meeting the goals of the Regulatory Flexibility Act by obtaining data that will assist in defining the economic impact of existing rules on small railroads. As a result of the Special Safety inquiry, FRA initiated two rulemakings designed to reduce the regulatory burden on small railroads. FRA envisions further rulemaking changes to decrease the burden on small railroads.

Timetable:

Action	Date	FR Cite
Notice of Hearings	08/03/81	46 FR 39461
Public Hearings 09/00/81, 10/00/81, and	11/00/81	
End Review	04/00/85	

Small Entity: Yes

Analysis: Regulatory Evaluation

DOT—FRA

Completed Actions
Nonsignificant Reviews

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0895**

RIN: 2130-AA06

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Current and Projected Rulemakings
Significant

1968. IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED -- NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 49 USC 1615 UMT Act Sec. 19

CFR Citation: 49 CFR 626

Abstract: The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1985.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Harry Takai, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 7412, Washington, DC 20590, **202 426-2285**

RIN: 2132-AA01

1969. ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 1653(f)

CFR Citation: 23 CFR 771; 49 CFR 622

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under UMTA and FHWA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Fred Skaer, FHWA, (202) 426-0106. Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). An NPRM was published on August 1, 1983.

Analysis: Regulatory Evaluation 08/01/83

Agency Contact: Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0096**

RIN: 2132-AA03

1970. CHARTER BUS REGULATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1602(f); 49 USC 1608(c)

CFR Citation: 49 CFR 604

Abstract: These regulations provide information regarding the restrictions imposed by section 3(f) of the UMT Act (49 USC 1602(f)) on charter bus operations by UMTA recipients. UMTA will publish an NPRM in 1985.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
NPRM	10/00/85	

Small Entity: Yes

Additional Information: ADDITIONAL LEGAL AUTHORITY: 49 CFR 1.51 also applies. UMTA originally published these regulations on April 1, 1976 (41 FR 14123). UMTA published an ANPRM on January 19, 1981, that proposed extensive changes to the regulations. (46 FR 5394). The comment period closed on March 5, 1981. UMTA reviewed the comments received and recognized that there were many fundamental issues that needed further exploration. Consequently, UMTA decided to issue a new ANPRM rather than to continue to develop the previously issued ANPRM into an NPRM. The new ANPRM was published on October 12, 1982, and the public comment period closed on Nov. 26, 1982. Based on comments to the ANPRM, UMTA will publish an NPRM in 1985.

Analysis: Draft RFA 10/00/85; Regulatory Evaluation 10/00/85

Agency Contact: Douglas G. Gold, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1936**

RIN: 2132-AA04

1971. "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Significance: Agency Priority

Legal Authority: PL 97-424 Surface Transportation Assistance Act of 1982 Sec 165

CFR Citation: 49 CFR 661

Abstract: This rulemaking implements Section 165 of the Surface Transportation Assistance Act of 1982 (PL 97-424).

Timetable:

Action	Date	FR Cite
Emergency Final Rule	09/15/83	49 FR 41562

Next Action Undetermined

Small Entity: Yes

Additional Information: UMTA issued this regulation as an emergency regulation in September 1983. UMTA took this action since the requirements in Section 165 of the 1982 STAA apply to all UMTA funds obligated after January 6, 1983. UMTA will determine what, if any further regulatory activities to take based on a review of the comments and experience gained working with the existing regulations.

Agency Contact: Edward J. Gill, Jr., Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4063**

RIN: 2132-AA15

1972. AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770; 49 CFR 623

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 426-4838, of FHWA.

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: James Getzewich, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7182**

RIN: 2132-AA19

1973. PRIVATE ENTERPRISE PARTICIPATION

Significance: Agency Priority

Legal Authority: 49 USC 1607(e); 49 USC 1602(e); 49 USC 1607a(f)

CFR Citation: 49 CFR 614

Abstract: The proposed regulations will encourage, to the maximum extent feasible, the participation of private enterprise in plans and programs that receive Federal funding under the UMT Act. UMTA intends, through these proposed rules, to ensure an appropriate role for the private sector in local mass transportation decision-making, and to secure opportunities for carriers to provide services that are convenient for the public, and cost efficient, with minimum public subsidy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Yes

Additional Information: On October 22, 1984 UMTA issued a notice of policy (49 FR 41310-12) designed to encourage private participation in mass transportation planning and programming to the maximum extent feasible, consistent with the directives of UMT Act subsections 3(e), 8(e), and 9(f). UMTA now finds that rulemaking is necessary to ensure enforcement capability and to overcome practices that unfairly exclude private enterprise from opportunities to provide mass transportation services. The essential principles of policy that would be effected through this rulemaking are the same as those announced in the October 22, 1984 Federal Register notice.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: Scott A. Biehl/Douglas Birnie, Department of Transportation, Urban Mass Transportation Administration, 400 7th Street, SW, Room 9223, Washington, DC 20590, **202 755-4713**

RIN: 2132-AA20

1974. MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1604; 49 USC 1607; 49 USC 1607a-1; 23 USC 103(e)(4); 23 USC 142

CFR Citation: 49 CFR 615

Abstract: This regulation will set out the process applicants for grants under the UMT Act (49 USC 1601 et seq.) and the Federal-Aid Highway Act should follow in order to be eligible for Federal financial assistance for major capital investment projects. UMTA plans to issue an NPRM in 1986. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 01/00/86

Agency Contact: Don Emerson/Theodore A. Munter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9228, Washington, DC 20590, **202 426-1936**

RIN: 2132-AA22

1975. EXTENSION OF SAFETY REQUIREMENTS TO ALL FEDERALLY ASSISTED BUSES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 637

Abstract: On October 1, 1982, UMTA rescinded its policy making advanced

DOT—UMTA

Current and Projected Rulemakings
Significant

design bus specifications (The "White Book") mandatory for its grantees, but continued to mandate certain safety requirements applicable to such buses. On October 16, 1984, UMTA issued an ANPRM on whether these safety requirements should be extended to other buses financed by UMTA. This rulemaking is significant because of substantial public interest and controversy and because of the potential impact on the bus industry.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Additional Information: ANPRM asked for comments on what benefits would be derived from mandating these requirements; what their financial impact on manufacturers and grantees would be; and whether competition in bus markets would significantly be affected by these.

Government Levels Affected: Local, State

Agency Contact: Kenneth E. Bolton, Director of Policy, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9300, Washington, DC 20590, **202 426-4060**

RIN: 2132-AA24

1976. ● MAINTENANCE OF EQUIPMENT AND FACILITIES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 636

Abstract: This regulation would require each transit agency that receives Federal financial assistance to have a maintenance program that states maintenance goals and objectives, provides for adequate maintenance for both fixed facilities and equipment, and provides for adequate personnel to meet the goals and objectives of the program. The proposed rule would also require that each transit agency retain or assemble information necessary for UMTA to review the transit agency's actual maintenance activities and make determinations on compliance as required by statute.This rule is significant because it concerns a matter on which there is substantial controversy.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: The Surface Transportation Assistance Act of 1982 (1982 STAA) included maintenance provisions in both sections 3 and 9 of the UMT Act. In the new section 9 block grant program, Congress provided that all recipients must certify that they will maintain facilities and equipment. UMT Act section 9(e)(3)(B). Section 9(g)(1) authorizes UMTA to determine by review or audit whether the recipients have complied with the maintenance requirement. The 1982 STAA also amended the section 3 discretionary grant and loan program by adding a provision that requires applicants to have sufficient capability to maintain facilities and equipment obtained with Federal assistance. UMT Act 3(a)2(A)(iii). This proposed regulation would provide UMTA with the information necessary to implement these provisions.

Analysis: Regulatory Evaluation 11/00/85

Agency Contact: Kenneth F. Bolton, Department of Transportation, Urban Mass Transportation Administration, Office of Policy, UMTA, 400 Seventh Street, SW Room 9311, Washington, DC 20590, **202 426-4060**

RIN: 2132-AA26

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Current and Projected Rulemakings
Nonsignificant

1977. INNOVATIVE TECHNIQUES AND METHODS

Legal Authority: 49 USC 1603(i)

CFR Citation: 49 CFR 644

Abstract: These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/80	45 FR 79669
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Innovative Techniques and Methods 4(i). UMTA will withdraw the NPRM and publish a Circular that will be described in the Federal Register. Until then, however, the NPRM should be used as guidance.

Analysis: Regulatory Evaluation 12/01/80

Agency Contact: Ray Lopez, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-8483**

RIN: 2132-AA05

1978. MISCELLANEOUS AMENDMENTS - ORGANIZATION, FUNCTIONS, AND PROCEDURES

Legal Authority: 49 USC 1657; 49 USC 1659

CFR Citation: 49 CFR 601

Abstract: These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: Henry T. Carter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4022**

RIN: 2132–AA06

1979. TECHNOLOGY INTRODUCTION

Legal Authority: 49 USC 1602(a)(1)(c)

CFR Citation: 49 CFR 641

Abstract: These regulations would implement Section 3(a)(1)(c) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5832
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Technology Introduction 3(a)(1)(c). UMTA has decided to withdraw this rulemaking activity and to issue it as a Circular that will be described in the Notice section of the Federal Register. Until then, the January 19, 1981, NPRM should be used as guidance.

Analysis: Regulatory Evaluation 01/19/81

Agency Contact: Ray Lopez, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-8483**

RIN: 2132–AA07

1980. SCHOOL BUS OPERATIONS

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Abstract: This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act (49 USC 1602(g)) on the school bus operations by UMTA recipients. UMTA plans to issue an NPRM based on the October 12, 1982 ANPRM in 1985.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
NPRM	12/00/85	

Small Entity: Yes

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" school bus service.The public comment period closed November 26, 1982.

Analysis: Draft RFA 12/00/85; Regulatory Evaluation 12/00/85

Agency Contact: Katherine Cowen, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4011**

RIN: 2132–AA09

1981. SECTION 15 REPORTING REQUIREMENTS FOR SECTION 9 APPORTIONMENT GRANTS; PENALTY PROCEDURES FOR NON-COMPLIANCE

Legal Authority: 49 USC 1607; 49 USC 1611

CFR Citation: 49 CFR 630

Abstract: This regulation would simplify Part 630 and implement procedures to handle late reporters, missing certifications and dead head miles in order to provide more timely Section 9 formula apportionments based on the most valid data available.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: The proposed rule would update and streamline the existing regulation without greatly affecting reporting transit agencies' responsibilities.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: Ron Fisher, Director, Information Services, Department of Transportation, Urban Mass Transportation Administration, URT-7, **202 426-9157**

RIN: 2132–AA23

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

1982. REVIEW: PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 178

Abstract: To develop performance-oriented packaging standards for small packagings based on the Recommendation of the United Nations Committee of Experts on the Transport of Dangerous Goods. Also includes former non-significant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade.

DOT—RSPA

Current and Projected Rulemakings

Significant

Timetable:

Action	Date	FR Cite
ANPRM	04/15/82	47 FR 16268
Corrections Docum & Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/00/82	47 FR 40816
NPRM	12/00/85	

Small Entity: No

Additional Information: Docket No. HM-181. Further action to be determined from evaluation of comments received on ANPRM.

Agency Contact: T. Charlton, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA01

1983. SPECIFICATION AND USE REQUIREMENTS FOR MC 306, MC 307, AND MC 312 CARGO TANKS (INCLUDING PROJ. 301-83 AND INCORPORATES DOCKET HM 183)

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 173; 49 CFR 177; 49 CFR 178

Abstract: Modify cargo tank specifications in sections 178.340-178.342 for clarity, provide for manufacture of vacuum-loaded cargo tanks, establish standards for corrosion in cargo tanks. (In conjunction with BMCS.)

Timetable:

Action	Date	FR Cite
ANPRM	06/28/82	47 FR 27876
NPRM	09/17/85	50 FR 37766
Public Hearings 12/04/85, 01/09/86	10/15/85	

Small Entity: Undetermined

Additional Information: Docket No. HM-183A

Agency Contact: J. O'Steen/ J. Pena, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0033**

RIN: 2137-AA42

1984. DATA COLLECTION AND REPORTING: HAZARDOUS MATERIALS INCIDENT REPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1809

CFR Citation: 49 CFR 171

Abstract: The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry but still result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10042
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket HM-36B.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA51

1985. ● ADD TO 49 CFR 195.2 DEFINITIONS A DEFINITION OF "GATHERING LINE"

Significance: Agency Priority

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195.2

Abstract: Definition of terms would be proposed to clarify application of Part 195 to gathering lines. Minimal costs and benefits will result since there will be no substantive changes to existing standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Frank Robinson, Department of Transportation, Research and Special Programs Administration, Dept. of Transportation, 400 Seventh St., SW, Washington, DC 20590, **202 426-2392**

RIN: 2137-AA60

1986. REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES

Significance: Agency Priority

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Abstract: Requested comments on the burdens and benefits associated with incorporating EPA revised Reportable Quantities of Hazardous Substances into the Hazardous Materials Regulations. Discussion of the regulatory alternatives being considered is included. Potential costs and benefits are unknown at this time. This regulation is significant because of substantial public interest and because it is potentially controversial.

Timetable:

Action	Date	FR Cite
ANPRM	08/08/83	48 FR 35965
ANPRM Comment Period Begin	08/08/83	
ANPRM Comment Period End	10/12/83	
Extension of time for public comment till 11/16/83.	10/19/83	48 FR 48483
NPRM	12/00/85	

Small Entity: No

Additional Information: HM-145E

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA68

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Current and Projected Rulemakings
Nonsignificant

1987. DEFINITION OF A FLAMMABLE SOLID

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Abstract: Consideration of new standards for classifying a material as a flammable solid. Previously part of Docket HM-118 which was terminated May 22, 1980 (45 FR 34560) to permit publication of ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/81	46 FR 25492

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-178

Agency Contact: C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137-AA05

1988. REVIEW: REVISION OF OPERATING PROCEDURES FOR MOTOR VEHICLES

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 177

Abstract: Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project 261-78

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA07

1989. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Abstract: Proposal would result in ending of permitting "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	44 FR 1179

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA08

1990. CONSOLIDATION AND REVISION OF REQUIREMENTS FOR THE CARRIAGE OF EXPLOSIVES BY VESSEL

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 176

Abstract: Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project 279-78

Agency Contact: H. Mitchell/F. Thompson (USCG), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1577**

RIN: 2137-AA10

1991. OXIDIZING MATERIALS DEFINITION, CRITERIA AND PROPOSED REGULATIONS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Abstract: Development of new standards for classifying a material as an oxidizing material.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/81	46 FR 31294
To be republished as an ANPRM	07/00/85	
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. HM-179

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: M. Morris/C. Schultz, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137-AA11

1992. INTERIOR PIPING

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Abstract: The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. Responses to the ANPRM indicate that State and local safety regulations adequately cover gas piping in a building. Proposed change in "Service Line" definition would recognize this situation.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/80	45 FR 22118
ANPRM Comment Period Begin	04/03/80	
ANPRM Comment Period End	08/01/80	
NPRM	02/00/86	

Small Entity: No

Additional Information: Docket No. PS-67.

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: R. Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2392**

RIN: 2137-AA21

1993. MISCELLANEOUS HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Abstract: Development of miscellaneous proposals dealing with the communications regulations and odorization of LP gas.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. HM-126E

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA25

1994. RADIATION LEVEL SPECIFICATIONS

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173.441(b)

Abstract: Proposed rewrite of 49 CFR 173.441(b) for clarity and enforceability.

Timetable:

Action	Date	FR Cite
NPRM	10/07/82	47 FR 44356
Final Action	10/00/85	

Small Entity: No

Additional Information: Docket No. HM-166P.

Analysis: Regulatory Evaluation 10/07/82

Agency Contact: R. Rawl/F. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137-AA27

1995. PRIVATE CARRIERS LICENSED TO USE RADIOACTIVE MATERIALS

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173; 49 CFR 177

Abstract: Proposed exceptions for private carriers who also are licensed to use radioactive materials in the course of their businesses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 298-82.

Agency Contact: R. Rawl/E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137-AA28

1996. SPECIFICATION PACKAGES OF TYPE B AND FISSILE RADIOACTIVE MATERIALS

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Abstract: Advance notice to address feasibility of continued use and needed modifications of certain radioactive materials package designs.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/85	

Small Entity: No

Additional Information: Project 300-83.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: R. Rawl/E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137-AA29

1997. QUALITY ASSURANCE FOR RADIOACTIVE MATERIALS SHIPPERS

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Abstract: Advance notice to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	

Small Entity: No

Additional Information: Project 291-80.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: R. Rawl/E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137-AA30

1998. DOT SPECIFICATION 51 PORTABLE TANKS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Abstract: Consideration of revisions of DOT Specification 51 Portable Tanks, including waiver of requirements for post-weld heat treatment for certain steels and use of bottom outlets.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/85	

Small Entity: No

Additional Information: Project 302-83.

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA36

1999. MONITORING EXTERNAL CORROSION CONTROL

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Abstract: The requirement to annually check the performance of cathodic protection on pipeline under paving and other corrosion survey regulations would be made more appropriate.

DOT—RSPA

Current and Projected Rulemakings
Nonsignificant

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10092
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. PS-76

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2082**

RIN: 2137-AA38

2000. STEEL PIPE

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Abstract: Development of performance standards for qualifying steel pipe for use in gas pipelines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Action deferred pending development of industry standard by Voluntary Standards Committee.

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2082**

RIN: 2137-AA40

2001. RECORDS FOR HYDROSTATIC TESTING, OPERATION AND MAINTENANCE AND ACCIDENT REPORTING

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Abstract: Records of hydrostatic testing would be permitted to be kept in supporting documents as well as the pressure recording chart. The retention period for records of operations would be reduced from three years to one year. Inspection and maintenance records for components other than pipe would be kept for one year rather than three years. Revised reporting requirements would be proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44928
Final Action	09/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 11/13/84

Agency Contact: F. Robinson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2392**

RIN: 2137-AA58

2002. NONDESTRUCTIVE TESTING OF GIRTH WELDS

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Abstract: The requirement to nondestructively test 100 percent of the girth welds would be reduced to 90 percent at certain locations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	09/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: F. Robinson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2392**

RIN: 2137-AA59

2003. CONFIRMATION OR REVISION OF MAXIMUM OPERATING PRESSURE FOR CERTAIN CHANGES IN CLASS LOCATION

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Abstract: Proposal would examine the requirement for confirmation or revision of the maximum allowable operating pressure for certain pre-tested gas pipelines when changed conditions adjacent to the pipeline meet the class location definition of 49 CFR 192.5(d)(2). It would also consider other effects of changes adjacent to pipelines involving 192.5(d)(2) and problems identified with compliance benefits and costs.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: R. Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2392**

RIN: 2137-AA62

2004. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Abstract: Would eliminate existing Specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. HM-23.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA63

2005. REVISION OF THE IM TANK TABLE

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Abstract: Would revise the IM Tank Table to incorporate interim approvals issued since April of 1981 and other changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. HM-167A

Analysis: Regulatory Evaluation 05/00/85

DOT—RSPA

Current and Projected Rulemakings
Nonsignificant

Agency Contact: L. Jackson/C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137–AA64

2006. CYLINDER RETESTER IDENTIFICATION NUMBERS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Abstract: Proposal to incorporate procedures applicable to cylinder retesters.

Timetable:

Action	Date	FR Cite
NPRM	10/04/84	49 FR 39172

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-172B

Agency Contact: D. Henry/M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5982**

RIN: 2137–AA65

2007. CLARIFICATION OF WELDING REQUIREMENTS FOR GAS PIPELINES

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.223; 49 CFR 192.225; 49 CFR 192.227; 49 CFR 192.237; 49 CFR 192.239

Abstract: Clarification of requirements for preheating and stress relieving to be proposed; redundancies in welding and welder qualification would be removed (Part 192, Subpart E).

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: William A. Gloe, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2082**

RIN: 2137–AA69

2008. DAMAGE PREVENTION PROGRAM FOR GAS PIPELINES (DOCKET NO. PS-59)

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.614

Abstract: Consider possible wording change on requirement for operator response to notice from excavator in order to facilitate more effective damage prevention programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Melvin A. Judah, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2082**

RIN: 2137–AA71

2009. MODIFICATIONS TO DOT SPECIFICATION 21PF-1 OVERPACKS

Legal Authority: 49 USC 178; 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 178

Abstract: This rulemaking responds to a Department of Energy request that we improve the water resistance of overpacks used in the transportation of uranium hexafluoride. The natural form of mined uranium has low radioactivity; it must be purified to produce a form suitable for certain commercial uses. The purification process produces a small amount of radioactive uranium hexafluoride and a large amount of waste uranium hexafluoride enriched in the fissionable U-235 isotope that is of low radioactivity. This rulemaking addresses the packaging for the more highly radioactive, enriched uranium hexafluoride. It does not address the low level radioactive waste uranium hexafluoride, which is transported in plain cylinders. In the recent capsize of a French vessel carrying uranium hexafluoride, there was a danger of radioactive contamination because the vessel was carrying a variety of uranium hexafluoride packages; some contained material that had been removed from spent reactor fuel and reprocessed for reuse. In the United States, this material is never reprocessed, furthermore, the enriched form of uranium hexafluoride is always carried (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/16/84	49 FR 32774
NPRM Comment Period Begin	08/16/84	
NPRM Comment Period End	09/12/84	
Final Action	11/00/85	

Small Entity: No

Additional Information: Docket No. HM-190 ABSTRACT CONT: in the United States in the overpacks that are addressed in this rulemaking. RSPA has no data showing any releases of radioactivity from these overpacks. DOE has been rejecting some deliveries from its contractors because of water in the overpacks; this rulemaking would increase the resistance of the overpacks to water penetration and retention.

Agency Contact: R. Rawl/E. Mazzulo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2313**

RIN: 2137–AA72

2010. REWRITE AND RECODIFICATION OF SECTION 173.34

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173.34, Rewrite and Recodification

Abstract: The recodification of Sec. 173.34 will provide industry with regulations set up by the functions to be performed. The rewrite should make it possible to understand the regulations more readily, and simplify the process of determining how to apply specific requirements. The potential cost has tentatively been determined to be minimal.

Timetable:

Action	Date	FR Cite
End Review	07/00/85	
NPRM	12/00/85	

Small Entity: No

Additional Information: Project No. 305-83

Agency Contact: Charles Hochman/M. Morris, Technical Staff, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-4906**

RIN: 2137–AA73

2011. MARKING OWNER'S SYMBOLS ON COMPRESSED GAS CYLINDERS

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 173.34(c)(1)

Abstract: Currently the regulations allow more than one owner symbol on a cylinder. This revision would prohibit the display of more than one owner symbol on a compressed gas cylinder. This will promote easy identification of cylinders and reduce theft problems associated with these cylinders.

Timetable:

Action	Date	FR Cite
ANPRM	04/11/84	49 FR 14405
ANPRM Comment Period Begin	04/11/84	
ANPRM Comment Period End	05/23/84	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-172A

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA74

2012. RECLASSIFICATION OF SPECIAL FIREWORKS

Legal Authority: 49 USC 1801

CFR Citation: 49 CFR 172.101; 49 CFR 173.88; 49 CFR 173.100

Abstract: This notice solicits comments on the merits of a petition of rulemaking proposing to reclassify certain fireworks currently classified as class B explosives to class C explosives.

Timetable:

Action	Date	FR Cite
ANPRM	11/19/84	49 FR 45627
ANPRM Comment Period Begin	11/19/84	49 FR 45627
ANPRM Comment Period End	02/14/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: H. Mitchell, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA78

2013. ◎ CARGO TANKS USED IN ATMOSPHERIC GAS AND HELIUM, CRYOGENIC LIQUID SERVICE DOCKET HM-11A

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173; 49 CFR 178

Abstract: Proposes to revise certain requirements pertaining to atmospheric gas and helium. Cryogenic liquids and the relief system on MC 338 cargo tanks.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period Begin	01/00/86	
NPRM Comment Period End	03/00/86	
Final Action	06/00/86	
Final Action Effective	07/00/86	

Small Entity: No

Agency Contact: Hattie Mitchell, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA84

2014. ◎ LIMITATION ABOARD AIRCRAFT

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Abstract: Proposes the removal of the fifty pound limit on the quantity that may be stowed in an inaccessible location.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period Begin	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	
NPRM	02/13/85	50 FR 6013
NPRM Comment Period Begin	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	

Next Action Undetermined

Small Entity: No

Additional Information: Further action to be determined based on NPRM comments.

Agency Contact: E. Altemos, International Regulations Coordinator, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 426-0656**

RIN: 2137-AA85

2015. ◎ REQUIRED USE OF EMERGENCY RESPONSE GUIDEBOOKS AND MATERIAL SAFETY DATA SHEETS

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 172

Abstract: This proposal solicits comments on the potential benefits and consequences of requiring the use of Emergency Response Guidebooks (ERG) and/or Material Safety Data Sheets (MSDS) to communicate information on the hazards of hazardous materials while they are moving in commerce.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10048
ANPRM Comment Period Begin	03/16/84	49 FR 10048
Public Hearing held, Washington, D.C.	05/02/84	49 FR 10048
ANPRM Comment Period End	06/26/84	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA88

DOT—RSPA

Current and Projected Rulemakings
Nonsignificant

2016. ● ODORIZATION OF LIQUEFIED PETROLEUM GAS (LPG)

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Abstract: This proposal requested comments on the feasibility of requiring that LPG be odorized to enhance its identification when being transported in commerce. The original ANPRM Docket HM-126D, odorization of LPG and miscellaneous proposals, has been divided into two separate dockets. Odorization of LPG is now HM-126E, an ANPRM. Miscellaneous proposals, including bulk packagings remain under HM-126D, as a Final Rule.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/84	49 FR 38164

Next Action Undetermined

Small Entity: No

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA89

2017. ● BULK PACKAGINGS AND MISCELLANEOUS RULE CHANGES

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Abstract: Prescribes marking requirements for bulk packagings and bulk transport vehicles that are not portable tanks, cargo tanks or tank cars. A definition for bulk packaging is provided. Also included are five minor revisions pertinent to marking, to correct, clarify and enhance compliance with the communication regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164
NPRM Comment Period Begin	09/27/84	49 FR 38164
NPRM Comment Period End	12/28/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA90

2018. ● INCORPORATION BY REFERENCE, UPDATING STEEL LINE PIPE SPECIFICATIONS (DOCKET NO. P-26)

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192.55; 49 CFR 192.113; 49 CFR 192, Appendix A; 49 CFR 192, Appendix B; 49 CFR 195.3; 49 CFR 195.106

Abstract: Final rule will replace references to three industry steel line pipe specifications with the latest edition, a consolidation of the three specifications into one, the 1984 edition of the American Petroleum Institute (API) Specifications 5L. Based on petitions by the American Society of Mechanical Engineers, the Bethlehem Steel Corporation, and representation by the API Tubular Goods Standardization Committee, existing references to API 5L, 5LX and 5LS are out-of-date. Minimal costs and benefits will result because there will be no substantive changes to existing standards.

Timetable:

Action	Date	FR Cite
Final Rule Incorporation by Reference, Updating Steel Line Pipe Specif	09/20/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: William A. Gloe, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2082**

RIN: 2137-AA94

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Current and Projected Rulemakings
Nonsignificant: Routine and Frequent

2019. CONVERSION OF INDIVIDUAL EXEMPTIONS TO REGULATIONS OF GENERAL APPLICABILITY

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months; with FR targeted approximately two months thereafter. 01/00/85-12/00/85.

Timetable:

Action	Date	FR Cite
Periodic Update	01/19/84	49 FR 2250
NPRM	08/28/84	49 FR 34044
Final Action	12/00/85	

Small Entity: Undetermined

Additional Information: Docket No. HM-139

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 472-2726**

RIN: 2137-AA43

2020. MINOR REGULATORY ADJUSTMENTS TO REGULATIONS OF GENERAL APPLICABILITY

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter.

DOT—RSPA

Current and Projected Rulemakings
Nonsignificant: Routine and Frequent

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10780
Periodic Update	03/22/84	49 FR 10780
Final Action	09/00/85	

Small Entity: Undetermined

Additional Information: Docket No. HM-166R.

Analysis: Regulatory Evaluation 03/22/84

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 472-2726**

RIN: 2137–AA44

2021. MATTER INCORPORATED BY REFERENCE (HAZARDOUS MATERIALS)

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every six months, with FR targeted two months thereafter. 01/00/85-12/00/85.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. HM-22A.

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137–AA45

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Existing Regulations Under Review
Significant

2022. ● RECODIFICATION OF EXPLOSIVE REGULATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Abstract: Proposed consolidation and revision of the regulations on the classification and packaging of explosives, and the alignment of these regulations with the recommendations of the United Nations Committee of experts on the transport of Dangerous Goods.

Timetable:

Action	Date	FR Cite
End Review	02/00/86	
NPRM	06/00/86	
NPRM Comment Period Begin	06/00/86	
NPRM Comment Period End	12/00/86	
Final Action	05/00/87	
Final Action Effective	07/00/87	

Small Entity: Undetermined

Agency Contact: Charles Ke/H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137–AA93

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Existing Regulations Under Review
Nonsignificant

2023. ● CONSOLIDATION OF SPECIFICATIONS FOR HIGH PRESSURE SEAMLESS CYLINDERS

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Abstract: Proposed consolidation and revision of the specifications on the manufacture of high pressure, seamless cylinders. (Project No. 123-71).

Timetable:

Action	Date	FR Cite
End Review	02/00/86	
NPRM	07/00/86	
NPRM Comment Period Begin	07/00/86	
NPRM Comment Period End	10/00/86	
Final Action	01/00/87	
Final Action Effective	02/00/87	

Small Entity: No

Agency Contact: Arthur Mallen, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-4906**

RIN: 2137–AA92

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Completed Actions
Significant

COMPLETED RULEMAKINGS

2024. PACKAGING AND PLACARDING REQUIREMENTS FOR LIQUIDS TOXIC BY INHALATION

Significance: Regulatory Program

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172; 49 CFR 173

Abstract: This rulemaking involves a revision of packaging requirements pertaining to certain types of toxic materials, and requirements for dual placarding without regard to the quantity in a transport vehicle. The intended effect of this action is to establish a higher level of safety in the transportation of toxic materials. This action is significant because it concerns a matter on which there is substantial public interest. A Regulatory Analysis is not required.

Timetable:

Action	Date	FR Cite
NPRM	02/07/85	50 FR 5270
NPRM Comment Period Begin	02/07/85	
NPRM Comment Period End	03/07/85	
Final Action	10/08/85	50 FR 41092

Small Entity: No

Additional Information: HM-196

Analysis: Regulatory Evaluation 02/07/85

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA76

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

2025. ● TRANSPORTATION OF HAZARDOUS MATERIALS BETWEEN CANADA AND THE UNITED STATES

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Abstract: This proposal examines the difference between the DOT Hazardous Materials Regulations (HMR) and the new Transportation of Dangerous Goods Regs. (TDG) of Canada. MTB is proposing to add a new section (171.12a) to allow, with certain exemptions and limitations, hazardous materials to be transported into the U.S. from Canada in conformance with TDG regs. The proposal only addresses rail and highway. Section 173.8 would be removed, but the applicable provisions would be retained under Sec. 171.12a. The alternatives are - Do nothing; Provide complete recognition of the TDG regs; Provide limited recognition of TDG. MTB is proposing to provide limited recognition of the Canadian Regs. This alternative is considered to provide the greatest benefit and cost savings that is still consistent with transport safety.

Timetable:

Action	Date	FR Cite
NPRM	05/30/85	50 FR 23036
NPRM Comment Period Begin	05/30/85	50 FR 23036
Public hearing scheduled	06/27/85	50 FR 23036
NPRM Comment Period End	07/11/85	
Final Action	10/11/85	50 FR 41516
Final Action Effective	10/31/85	

Small Entity: No

Additional Information: Further action depends on results of hearing.

Agency Contact: Marilyn Morris, Reg. Spec., Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA87

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Completed Actions
Nonsignificant

COMPLETED RULEMAKINGS

2026. PLACARDING OF EMPTY TANK CARS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172.510

Abstract: An advance notice requesting comments on the International Association of Fire Chiefs' petition for removal of the requirement for displaying the EMPTY placard on tank cars.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/81	46 FR 37953
NPRM	08/10/84	49 FR 32090
Final Action	09/26/85	50 FR 39005

Small Entity: No

Additional Information: Docket No. HM-180

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA35

2027. RECLASSIFICATION OF CORDEAU DETONANT FUSE

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 177

Abstract: Proposal would change the hazard classification of certain types and quantities of cordeau detonant fuse from Class C explosive to Class A explosive.

Timetable:

Action	Date	FR Cite
NPRM	05/17/84	49 FR 20873
Final Action	01/07/85	50 FR 798

Small Entity: Undetermined

Additional Information: Project 297-82. Docket No. HM-191.

Analysis: Regulatory Evaluation 05/17/84

Agency Contact: T. Charlton, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA54

DOT—RSPA

Completed Actions
Nonsignificant

2028. INTRASTATE LIQUID PIPELINES

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Abstract: The applicability of Part 195 would be extended to include intrastate pipelines transporting petroleum, petroleum products or anhydrous ammonia. New definitions to be proposed.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11226
Final Action	04/23/85	50 FR 15895
Request for Reconsideration	06/20/85	50 FR 25602
Final Action Effective	09/21/85	

Small Entity: No

Analysis: Regulatory Evaluation 04/23/85 (50 FR 15895)

Agency Contact: F. Robinson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2392**

RIN: 2137–AA60

2029. OVALITY OF FIELD BENDS IN STEEL PIPE

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.313

Abstract: Limitations of Sec. 192.313(a)(2) being reviewed in light of petition by INGAA claiming impracticality of the rule. Data on hand indicates the ovality limitations may well be unnecessary for safety.

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43728
Final Action	04/03/85	50 FR 13224

Small Entity: No

Agency Contact: William A. Gloe, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2082**

RIN: 2137–AA70

2030. TRITIUM AND CARBON-14; LOW SPECIFIC ACTIVITY RADIOACTIVE MATERIALS TRANSPORTED FOR DISPOSAL

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 173.425(d)

Abstract: Currently, the transportation of tritium and carbon-14 is more strictly regulated than their disposal. In order to correct this disparity, MTB proposes to regulate their transportation to a degree more appropriate to the limited risk which they present. The proposal would permit shippers to disregard the radioactive hazard if the specific activity of the material does not exceed 0.05 microcuries per gram. This will permit disposal of these materials at other than radioactive material disposal sites. As this is a relaxation of the current rules there would be a cost savings to shippers. In addition, the scarce disposal sites for radioactive materials could be more efficiently used for the containment of more highly radioactive wastes.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33469
NPRM Comment Period Begin	08/23/84	
NPRM Comment Period End	09/24/84	
Final Action	06/06/85	50 FR 23811
Final Action Effective	08/01/85	

Small Entity: Undetermined

Additional Information: Docket No. HM-193

Agency Contact: Richard R. Rawl, Chief, Radioactive Materials Branch, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2313**

RIN: 2137–AA75

2031. EXCEPTIONS FOR SPECIFIED QUANTITIES OF RADIOACTIVE MATERIALS

Legal Authority: 49 USC 1806

CFR Citation: 49 CFR 173.4; 49 CFR 173.421-1; 49 CFR 173.421-2

Abstract: Materials Transportation Bureau is proposing to renew for two years the exceptions provided for Limited Quantities of Radioactive Materials. These exceptions are in 49 CFR 173.4, 173.421-1 and 173.421-2. These exceptions permit the transportation of Radioactive Material aboard passenger-carrying aircraft.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	05/02/85	50 FR 18667

Small Entity: No

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, **202 425-2075**

RIN: 2137–AA77

2032. DESIGNATION OF TESTING LABORATORIES; UNITED NATIONS PACKAGINGS

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 107.401; 49 CFR 107.402; 49 CFR 107.404

Abstract: Most European countries are expected to require, beginning May 1, 1985, the certification by the national competent authority of packagings marked as conforming to performance standards specified in the United Nations Recommendations for the Transport of Dangerous Goods. That rule effectively eliminates use of packagings produced in the U.S. To assure acceptance of U.S.-produced packagings in Europe, DOT proposes a voluntary system of third-party packaging certification. Other alternatives considered were to do nothing and to issue certifications directly by DOT. Benefits and cost have not been quantified. However, as the proposed rule is strictly voluntary, it may be stated that there are no imposed costs. Benefits accrue when the affected parties avoid costs associated with having their packagings certified by a foreign Competent Authority. To receive such a certification the packaging must be sent to Europe for testing, or an agent of the foreign Competent Authority must be reimbursed for costs incurred in traveling to the U.S. to conduct an examination and testing. Both of those processes are costly to the party seeking the (cont)

DOT—RSPA

Completed Actions
Nonsignificant

Timetable:

Action	Date	FR Cite
NPRM	10/12/84	49 FR 40056
NPRM Comment Period Begin	10/12/84	49 FR 40056
NPRM Comment Period End	11/13/84	
Final Action	03/13/85	50 FR 10060
Final Action Effective	07/01/85	

Small Entity: No

Additional Information: ABSTRACT CONT: certification. Similar examinations and testings conducted by U.S.-based laboratories should be available at a greatly reduced cost.

Docket HM-194.

Agency Contact: T. Charlton, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA80

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

2033. ● HAZARDOUS MATERIALS; EDITORIAL CORRECTIONS AND CLARIFICATIONS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 179

Abstract: Miscellaneous changes to the regulations to correct spelling and editorial errors, erroneous references, inadvertent omissions of information and similar minor regulatory changes which do not impose any new requirements on persons subjects to the HMR. A single publication, an FR, is scheduled each year; timed to immediately precede the printing date established for revision of 49 CFR, Parts 100 to 199. Since the amendments do not impose new requirements, notice and public procedure thereon are unnecessary. For the same reason, the amendments are made effective without the customary 30 day delay following publication.

Timetable:

Action	Date	FR Cite
Final Action	09/27/84	49 FR 38132
Final Action Effective	09/30/84	49 FR 38132

Small Entity: No

Additional Information: Docket No. HM-189C

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: E. Mazzullo, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA86

2034. ● MAGNETIZED MATERIAL

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 175

Abstract: This final rule deregulates certain materials classed as magnetized materials. The intended effect of this rule is to eliminate the marking, labeling, and shipping paper requirements, while continuing to forbid the transportation of materials as packaged with a gauss level of more than 0.00525 gauss at a distance of 15 feet.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37438
Final Action	09/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Additional Information: This Final Rule should be published 9/85 with an effective date 30 days later.

Agency Contact: Darrell L. Raines, Chief, Department of Transportation, Research and Special Programs Administration, Exemptions & Regulations Termination Branch, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA91

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]
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DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Current and Projected Rulemakings
Significant

2035. CARGO PREFERENCE-U.S. FLAG VESSELS-DETERMINATION OF FAIR AND REASONABLE RATES FOR LINER VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Abstract: Regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo at the request of concerned Federal agencies. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It is needed to clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Analysis: Draft Regulatory Evaluation 08/00/85

Agency Contact: James E. Caponiti, Chief, Div. of Subsidy analysis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133-AA02

2036. ELIMINATION OF RESTRICTIONS ON NON-SUBSIDIZED VOYAGES BY SUBSIDIZED LINER COMPANIES

Significance: Regulatory Program

Legal Authority: 46 USC 1173; 46 USC 1114(b)

CFR Citation: 46 CFR 281

Abstract: The Maritime Administration (MARAD) proposes to amend its regulations with respect to procedures now required under liner operating-differential subsidy agreements (ODSA) for Approval of "Non-Subsidized Voyages." This proposed rulemaking would revoke existing requirements that the subsidized operator obtain MARAD approval before it or a related company undertakes a non-subsidized voyage.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 40876

Small Entity: No

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Studies - MARAD, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0374**

RIN: 2133-AA18

2037. VESSEL OBLIGATION GUARANTEES; VESSEL REQUIREMENTS, UNITED STATES CONSTRUCTION

Significance: Regulatory Program

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 298.11

Abstract: MARAD is considering amending 46 CFR 298.11 to relax the requirement that where practicable only articles, materials, and supplies of U.S. origin be used in vessels receiving obligation guarantees.

Timetable:

Action	Date	FR Cite
NPRM	03/21/85	
NPRM Comment Period Begin	03/21/85	50 FR 11397
NPRM Comment Period End	05/20/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: John M. Hotaling,(202) 426-5727 (See Agency Contact heading for address).

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation; 444 Transportation on Rivers and Canals

Analysis: Preliminary RIA 03/21/85; Final RIA 09/00/85

Agency Contact: Norman Hammer, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5733**

RIN: 2133-AA29

2038. ESTABLISHMENT OF MANDATORY POSITION REPORTING SYSTEM FOR VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1122a; 46 USC 1283

CFR Citation: 46 CFR 307, (New)

Abstract: The Maritime Administrator and the Commandant of the Coast Guard have agreed to merge MARAD's U.S. Merchant Vessel Locator Filing System (USMER) with Coast Guard's Automated Mutual-Assistance Vessel Rescue System (AMVER). Under the new reporting system, USMER reports will be suspended and AMVER reports will be mandatory for all vessels that were previously subject to USMER reporting requirements. This rulemaking is significant because it may involve important Departmental policy.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Walter Lockland, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5743**

RIN: 2133-AA31

2039. DETERMINATIONS OF NON-AVAILABILITY OF U.S.-FLAG VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1122(d); 46 USC 1241(b); PL 97-31

CFR Citation: 46 CFR 381.8

Abstract: This regulation is intended to provide Government agencies and departments guidance in complying with the provisions of the Cargo Preference Act of 1954, 68 Stat. 832 (46 USC 1241(b)), commonly known as Pub. L. 664. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: S. Thomas Romeo, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1765**

RIN: 2133-AA36

2040. CARGO PREFERENCE - U.S. FLAG VESSELS - DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Abstract: This regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. MARAD would calculate guideline fair and reasonable rates using a methodology which would average operating costs to determine allowable costs for each vessel. It would establish requirements for the submission of data on which the methodology would be based. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It would clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31735
NPRM Comment Period Begin	08/06/85	
NPRM Comment Period End	10/07/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: This rulemaking has split from an earlier rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Liners (RIN = 2133-AA02). Cargo preference regulation was last revised in 1977 (46 CFR 381).

Affected Sectors: 441 Deep Sea Foreign Transportation

Analysis: Draft Evaluation 08/00/85

Agency Contact: James E. Caponiti, Chief, Div. of Subsidy analysis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133–AA43

2041. NOTICE OF INTENT TO REDESIGNATE ESSENTIAL TRADE ROUTES

Significance: Regulatory Program

Legal Authority: 46 USC 1121

CFR Citation: Not applicable

Abstract: The Maritime Administration intends to redesignate U.S., foreign trade routes determined to be essential for the promotion, development, expansion and maintenance of the foreign commerce of the United States, under authority in the Merchant Marine Act, 1936. There have been no substantial changes in essential trade route designations since the Act's enactment, other than inclusion of the U.S. Great Lakes. This action recognizes that in recent years major changes in shipping technology and U.S. trade patterns have emerged. It would consolidate the present 29 essential trade routes and essential trade areas into fewer essential trade areas.

Timetable:

Action	Date	FR Cite
Notice of Intent to Redesignate Essential Trade Routes	03/08/85	50 FR 9532
Public Comment Period Begins	03/08/85	
Public Comment Period Ends	04/22/85	
Publication of Final Redesignation of Essential Trade Routes	11/00/85	

Small Entity: No

Additional Information: It reflects the current pattern of vessel operations. It contemplates amendments to the Operating-Differential Subsidy Agreement for a subsidized operator upon request made to the Maritime Subsidy Board. A detailed discussion of the factors supporting this action is contained in a study of the Agency, Reevaluation of U.S. Liner Trade Routes. This study is available upon request.

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Studies - MARAD, Department of Transportation, Maritime Administration, 400 Seventh Street, SW - Room 8117, Washington, DC 20590, **202 382-0374**

RIN: 2133–AA44

2042. GENERAL PROCEDURES FOR DETERMINING OPERATING-DIFFERENTIAL SUBSIDY (ODS) FOR LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1173; 46 USC 1114(b)

CFR Citation: 46 CFR 282, (New)

Abstract: The procedure that MARAD now follows in determining ODS for liner vessels is set forth in a manual, rather than in a regulation. Under the existing procedure, final subsidy payments are delayed on the average of three years. The proposed rule prescribes a system of fixed and final ODS rates that would permit administration of the ODS program on a more current basis. A change in procedures for determining foreign competition more accurately could result in annual ODS savings of up to $4 million.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Government Levels Affected: Federal

Agency Contact: James E. Caponiti, Chief, Division of Subsidy Analysis, Department of Transportation, Maritime Administration, Office of Ship Operating Costs-MARAD, 400 Seventh Street, SW-Room 8114, Washington, DC 20590, **202 382-0374**

RIN: 2133–AA46

2043. ● FINAL GUIDELINES FOR CONSIDERING EARLY ODS CONTRACT TERMINATIONS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b)

CFR Citation: 46 CFR 1171 to 1185

Abstract: MARAD is considering whether to propose regulations that state the factors it will consider in making determinations on requests from operators of vessels under ODS agreements for early termination of the ODS agreements or a cash settlement for early termination, commonly called a "buy out".

Timetable:

Action	Date	FR Cite
Rulemaking or other action	09/00/85	

Small Entity: No

Additional Information: An alternative to rulemaking is to publish no guidelines and consider proposals on an ad hoc basis.

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: James E. Caponiti, Chief, Div. of Subsidy Analysis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133–AA47

2044. ● CARGO PREFERENCE - U.S. FLAG VESSELS; EVALUATION OF BIDS FOR SUBSIDIZED LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381.8

Abstract: This regulation would establish procedures governing the evaluation by U.S. shipper agencies of bids from subsidized U.S.-flag liner vessel operators for the carriage of open-rated civilian and military preference cargoes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: On 11/11/84, MARAD issued a final rule setting forth procedures governing the evaluation by shipper agencies of bids from U.S.-flag bulk vessel operators for the carriage of dry bulk preference cargoes.

Government Levels Affected: Federal

Agency Contact: James E. Caponiti, Chief, Division of Subsidy Analysis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133–AA52

2045. ● OPERATING-DIFFERENTIAL SUBSIDY (ODS) FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES; GENERAL PROCEDURES FOR DETERMINING ODS

Significance: Agency Priority

Legal Authority: 46 USC 1171 to 1176; 46 USC 1178 to 1181

CFR Citation: 46 CFR 252

Abstract: Under the current system for determining subsidy for bulk vessels as set forth in 46 CFR 252, final payments are delayed an average of three years. The current system precludes the operators from timely receipt of monies due them, thereby hindering the companies' cash management capability and the government's ability to forecast accurate budget obligations. The amended rule would prescribe new procedures for determining subsidy. The new system would provide payment of ODS as a fixed and final daily amount so the operators and the government can firmly establish the amounts of subsidy receivable on a current basis.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: James E. Caponiti, Chief, Div. of Subsidy Analysis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133-AA53

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Current and Projected Rulemakings
Nonsignificant

2046. STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION HEARINGS

Legal Authority: 46 USC 1175

CFR Citation: 46 CFR 207

Abstract: The amendment proposes procedures that would assist in preparation of standard forecasts of liner cargo (if a Final Rule covering ODS application hearing procedures is issued) in which forecast procedures would be included.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Next Action Undetermined

Small Entity: No

Additional Information: Further action dependent on disposition of RIN 2133-AA20.

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Edmond J. Fitzgerald, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0374**

RIN: 2133-AA16

2047. SUSPENSION OF ODS AGREEMENTS FOR ALL OR PORTION OF THE VESSELS INCLUDED THEREIN

Legal Authority: 46 USC 1184; 46 USC 1114(b); PL 97-35

CFR Citation: 46 CFR 295, (New)

Abstract: These regulations are necessary to implement Sec. 1603 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), which adds a new Sec. 614 to the Merchant Marine Act, 1936.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37449
Final Action	11/00/85	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Analysis: Draft Regulatory Evaluation 08/18/83; Final Regulatory Evaluation 11/00/85

Agency Contact: Raymond Barberesi, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0382**

RIN: 2133-AA17

2048. RULES OF PRACTICE AND PROCEDURES; FOR HEARING IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION; APPLICATIONS FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 201; 46 CFR 208; 46 CFR 251

Abstract: Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208 that would establish a standard discovery order and standard techniques for forecasting the adequacy of U.S. flag liner service in hearings required under the Merchant Marine Act, 1936.

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003
Final Action	05/00/85	

Next Action Undetermined

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: Robert J. Patton, Jr., Deputy Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5711**

RIN: 2133-AA20

2049. MAKING EXCESS OR SURPLUS FEDERAL PROPERTY AVAILABLE TO THE UNITED STATES MERCHANT MARINE ACADEMY (USMMA), STATE MARITIME ACADEMIES AND APPROVED NONPROFIT MARITIME TRAINING INSTITUTIONS

Legal Authority: 46 USC 1295g

CFR Citation: 46 CFR 310

Abstract: MARAD proposes to implement a provision in the Maritime Education and Training Act of 1980 to make excess or surplus vessels, shipboard equipment and other marine equipment available to the USMMA, State Maritime Academies and other nonprofit training institutions approved

jointly by MARAD and the Coast Guard. Action has been suspended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/83	48 FR 54254
NPRM Comment Period Begin	12/01/83	48 FR 54254
NPRM Comment Period End	01/16/84	
Final Action	04/00/85	

Next Action Undetermined

Small Entity: No

Additional Information: Action suspended pending resolution of authority issue.

Affected Sectors: 442 Deep Sea Domestic Transportation; 444 Transportation on Rivers and Canals; 445 Local Water Transportation; 829 Schools and Educational Services, Not Elsewhere Classified

Analysis: Draft Regulatory Evaluation 12/01/83 (48 FR 54254); Final Regulatory Evaluation 04/00/85

Agency Contact: Arthur Friedberg, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington,DC 20590, **202 426-5755**

RIN: 2133-AA34

2050. BLANKET APPROVAL FOR: BAREBOAT CHARTERS OF RECREATIONAL VESSELS TO NONCITIZENS; SALES TO NONCITIZENS AND TRANSFERS TO FOREIGN REGISTRY OR FLAG OF VESSELS UNDER 200 GROSS TONS

Legal Authority: 46 USC 808; 46 USC 839; 46 USC 841a

CFR Citation: 46 CFR 221

Abstract: These amendments would expand the scope of a general provision for the blanket approval of certain vessel charters and sales to non-citizens.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39737

Small Entity: Yes

Affected Sectors: 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation; 444 Transportation on Rivers and Canals; 445 Local Water Transportation

Analysis: Draft RFA 04/00/85; Regulatory Evaluation 04/00/85

Agency Contact: Jessie Fernanders, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5821**

RIN: 2133-AA40

2051. MERCHANT MARINE TRAINING; REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Legal Authority: 46 USC 1114(b); PL 97-31

CFR Citation: 46 CFR 310

Abstract: The Maritime Administration is amending its merchant marine training regulations to rescind a 10 percent reduction in the number of student incentive payments offered to incoming students at the state maritime academies/colleges. The reduction which is being rescinded was published in the Federal Register on April 4, 1984, as one of a number of amendments to 46 CFR Part 310 (49 FR 13364). This action is necessary because the 1985 funding level for Maritime Training contained in appropriation legislation exceeds the funding level that had been reflected in the MARAD April rulemaking action.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 49 CFR 1.66.

Affected Sectors: 822 Colleges, Universities, Professional Schools, and Junior Colleges; 44 WATER TRANSPORTATION

Agency Contact: Edwin M. Hackett, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5759**

RIN: 2133-AA42

2052. ◎ WAR RISK INSURANCE

Legal Authority: 46 USC 1281 to 1293; 46 USC 1114(b)

CFR Citation: 46 CFR 308

Abstract: MARAD will implement recently enacted legislation reinstating its authority to provide war risk insurance through the issuance of interim binders of insurance for U.S. - flag vessels, or vessels owned or controlled by U.S. citizens, and certain other specified foreign-flag vessels, when such insurance is not otherwise available from commercial sources. The rule will establish the terms and conditions for reinstating or issuing interim binders.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	
Final Action	09/00/85	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation

Agency Contact: William B. Ebersold, Director, Office of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW - Room 8204, Washington, DC 20590, **202 382-0369**

RIN: 2133-AA49

2053. ◎ APPROVAL OF MARINE INSURANCE UNDERWRITER ORGANIZATIONS

Legal Authority: 46 USC 1114(b); 46 USC 1279(b)

CFR Citation: 46 CFR 299, (New)

Abstract: This advance notice of proposed rulemaking would establish MARAD's criteria for accepting an organization as an underwriter on any policy of insurance covering vessels under Title XI and Title VI programs or other MARAD administered aid programs.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41631

Small Entity: No

Agency Contact: William B. Ebersold, Director, Office of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0369**

RIN: 2133-AA50

2054. ◎ MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 326

Abstract: These amendments conform these regulations to reflect existing Maritime Administration (MARAD) practices, office names and addresses concerning the handling of marine protection insurance (P&I) claims by General Agents and Berth Agents under General Agency and Berth Agency Agreements with the United States, acting by and through the Director, National Shipping Authority in MARAD, with respect to vessels under MARAD control in the National Defense Reserve Fleet.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 446 Services Incidental to Water Transportation

Agency Contact: **William B. Ebersold**, Director, Office of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW - Room 8204, Washington, DC 20590, **202 382-0369**

RIN: 2133–AA51

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Completed Actions
Significant

COMPLETED RULEMAKINGS

2055. AWARD AND ADMINISTRATION OF OPERATING-DIFFERENTIAL SUBSIDY (ODS) FOR DRY BULK CARGO VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1171 to 1176

CFR Citation: 46 CFR 254, (New)

Abstract: The NPRM has been withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 52002
Withdrawn	05/24/85	50 FR 21474

Small Entity: No

Additional Information: There are only 3 dry bulk carriers now under ODS agreements. Those vessels are carrying preference cargoes without subsidy. Since it is unlikely that there will be approval of new ODS applications, this regulation is no longer considered necessary.

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: **James E. Caponiti, Chief**, Div. of Subsidy Analysis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133–AA04

2056. REVIEW: OPERATING-DIFFERENTIAL SUBSIDY (ODS) RATES FOR LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1171 to 1176; 46 USC 1114(b)

CFR Citation: 46 CFR 280

Abstract: New provisions would establish subsidy rates for liner vessels under ODS agreements. This rulemaking is significant because it involves a program with substantial public interest. It would formalize, in a regulation, policy of the Maritime Subsidy Board concerning subsidy rates now published in manual form. This action has been merged in RIN 2133-AA46.

Timetable:

Action	Date	FR Cite
Action terminated	07/02/85	

Small Entity: No

Additional Information: This action is duplicative of that described in RIN 2133-AA46, and has been merged.

Affected Sectors: 441 Deep Sea Foreign Transportation

Government Levels Affected: Federal

Agency Contact: **James E. Caponiti, Chief**, Div. of Subsidy Analysis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133–AA07

2057. PARTICIPATION BY VESSELS BUILT WITH CDS IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Significance: Agency Priority

Legal Authority: 46 USC 1156; 46 USC 1114(b)

CFR Citation: 46 CFR 250

Abstract: Rulemaking action is inappropriate at this time.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	
Action terminated	06/01/85	

Small Entity: No

Additional Information: Publication of FR on Policy for Total Repayment of CDS on May 7, 1985 (50 FR 19170) makes this rulemaking action premature.

Affected Sectors: 442 Deep Sea Domestic Transportation

Agency Contact: **Edmond J. Fitzgerald**, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0374**

RIN: 2133–AA19

2058. OBLIGATION GUARANTEES

Significance: Agency Priority

Legal Authority: 46 USC 1114 (b); 46 USC 1279 (b); 49 CFR 1.66

CFR Citation: 46 CFR 298

Abstract: This NPRM asks for comments on the following issues: procedures for the calculation of the internal rate of return, used to assist in determining the economic soundness of a project proposed for an obligation guarantee; the anticipated economic impact of the proposed requirement; and proposed changes to confidential information disclosure and insurance reporting requirements pertaining to obligation guarantees applications. This NPRM proposes specific, clear procedures for complying with the internal rate of return analysis required in the final rule on obligation guarantees (see Additional Information). The proposed calculation

procedures would produce more accurate information to assist the Maritime Administration in selecting successful applicants. The cost of this NPRM would be an increase in the paperwork burden on applicants required to calculate the internal rate of return. Applicants would benefit from the institution of a more uniform, fair procedure. This rulemaking involves important Departmental policy and is, therefore, significant.

Timetable:

Action	Date	FR Cite
NPRM	03/08/85	50 FR 9532
NPRM Comment Period Begin	03/08/85	
NPRM Comment Period End	04/08/85	
Final Action	08/16/85	50 FR 33046
Final Notice Effective	09/16/85	

Small Entity: No

Additional Information: Simultaneously with the publication of the NPRM on procedures for calculating the internal rate of return, a Final Rule on obligation guarantees was published. The Final Rule prescribes conditions, terms and procedures for applying for and administering Federal financing assistance in the form of obligation guarantees (46 FR 9437; March 8, 1985).

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation; 444 Transportation on Rivers and Canals

Agency Contact: James L. Westcott, Director, Office of Ship Financing, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0389**

RIN: 2133-AA30

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Completed Actions
Nonsignificant

COMPLETED RULEMAKINGS

2059. FEDERAL INCOME TAX ASPECTS OF THE CAPITAL CONSTRUCTION FUND

Legal Authority: 46 USC 1177; 46 USC 1114(b)

CFR Citation: 46 CFR 391

Abstract: Joint rulemaking with Treasury Department would finalize technical regulations governing the utilization of Capital Construction Fund (CCF) - comprised of deposits of the deferred income from shipping operations, related income, and CCF investment income. The NPRM to be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	06/15/72	37 FR 11887
Withdrawn	09/17/85	50 FR 37702
To be withdrawn	10/00/85	

Small Entity: No

Additional Information: NPRM published jointly with Treasury Department on June 15, 1972 (37 FR 11887). It has been determined that a rulemaking is not essential in administering the CCF Program.

Affected Sectors: 60 BANKING; 441 Deep Sea Foreign Transportation; 93 PUBLIC FINANCE, TAXATION, AND MONETARY POLICY

Government Levels Affected: Federal

Agency Contact: James L. Westcott, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0395**

RIN: 2133-AA05

2060. REQUIREMENTS AND PROCEDURES FOR THE ADMINISTRATION OF CONDITION SURVEYS AND MAINTENANCE AND REPAIR SUBSIDY

Legal Authority: 46 USC 1114(b); 46 USC 1171(a)

CFR Citation: 46 CFR 272

Abstract: Rulemaking action has been terminated.

Timetable:

Action	Date	FR Cite
Action terminated	09/30/85	

Small Entity: No

Additional Information: Action has been terminated. Since the Operators of only about 60 vessels now receive maintenance and repair subsidy under existing ODS Contracts, and that number will continue to decline as vessels reach the end of their useful lives, amendment of this rule is no longer necessary.

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation

Agency Contact: John J. Davis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5743**

RIN: 2133-AA08

2061. REQUIREMENTS FOR ESTABLISHING UNITED STATES CITIZENSHIP

Legal Authority: 46 USC 802; 46 USC 803; 46 USC 808; 46 USC 835; 46 USC 838; 46 USC 839; 46 USC 841; 46 USC 1151; 46 USC 1171; 46 USC 1276

CFR Citation: 46 CFR 355

Abstract: NPRM has been withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	10/12/79	44 FR 58928
To be withdrawn	03/00/85	
Withdrawn	07/19/85	50 FR 29440

Small Entity: No

Additional Information: The proposed amendments were intended principally to clarify MARAD policy with respect to establishing U.S. citizenship for corporations and to advise of information release policy. A determination has been made that further review is necessary.

Agency Contact: Doris Lansberry, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5711**

RIN: 2133-AA15

2062. FEDERAL TORT CLAIMS

Legal Authority: 28 USC 2672

CFR Citation: 46 CFR 204, (New)

Abstract: This rule establishes a system for processing Federal tort claims involving the Maritime Administration and provides information to the public on filing such claims.

Timetable:

Action	Date	FR Cite
NPRM	08/30/84	49 FR 34368
NPRM Comment Period Begin	08/30/84	
NPRM Comment Period End	10/29/84	
Final Action	06/21/85	50 FR 25711
Final Action Effective	07/22/85	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 28 CFR 14.11; 49 CFR 1.45(a)(2) and (3).

Affected Sectors: 81 LEGAL SERVICES; 44 WATER TRANSPORTATION

Agency Contact: Michael J. McMorrow, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington,DC 20590, **202 426-6321**

RIN: 2133–AA32

2063. VESSEL OBLIGATION GUARANTEES; WAIVERS FOR FOREIGN-BUILT MAIN DIESEL ENGINES

Legal Authority: 46 USC 1271 to 1279; 46 USC 1114(b)

CFR Citation: 46 CFR 298.11

Abstract: The proposed amendment would adopt a policy to allow all applications for waiver of the "Buy American" requirement with respect to foreign-built high and medium speed diesel engines that are not built in the United States and which afford a specified energy savings. This rulemaking is being withdrawn because the subject matter is within the scope of a separate, more comprehensive, rulemaking action titled Vessel Obligation Guarantees; Vessel Requirements, United States Construction (RIN = 2133-AA29).

Timetable:

Action	Date	FR Cite
ANPRM	04/21/83	48 FR 17120
ANPRM Comment Period Begin	04/21/83	48 FR 17120
ANPRM Comment Period End	06/20/83	
Withdrawn	04/02/85	50 FR 13050

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Paul E. Speicher, Jr., Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5727**

RIN: 2133–AA33

[FR Doc. 85-22695 Filed 10-28-85; 8:45 am]

BILLING CODE 4910-62-T

federal register

Tuesday
October 29, 1985

Part XV

Department of the Treasury

Semiannual Regulatory Agenda

TREAS

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Office of the Secretary, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda Format developed by the Regulatory Information Service Center.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Office of the Secretary regulation, contact the "agency contact" listed in the specific regulatory action. For general information concerning the Agenda, contact Richard S. Carro, Director, Office of Legislation and Regulations, Office of the General Counsel, Room 1422, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220, (202) 566-8464.

SUPPLEMENTARY INFORMATION: The semiannual agenda of the Office of the Secretary includes the Office of the General Counsel and the Office of Revenue Sharing.

DATED: August 26, 1985.
By direction of the Secretary.

Sherrie M. Cooksey,
Executive Secretary.

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2064	31 CFR 1.1 Disclosure of Records	1505-AA01
2065	31 CFR 10 Continued Professional Education for Individuals Enrolled to Practice Before the Internal Revenue Service	1505-AA07
2066	31 CFR 128 Reporting of International Capital and Foreign Currency Transactions and Holdings, Transfers of Credit, and Export of Coin and Currency	1505-AA13
2067	31 CFR 10 Discipline of Appraisers Against Whom Aiding and Abetting Penalties Under the Internal Revenue Code Have Been Assessed	1505-AA14

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2068	31 CFR 103 Amendments to Implementing Regulations--Currency and Foreign Transactions Reporting Act	1505-AA05

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)

Current and Projected Rulemakings

2064. DISCLOSURE OF RECORDS

Legal Authority: 5 USC 552; 5 USC 552a; 31 USC 321

CFR Citation: 31 CFR 1.1

Abstract: This regulation amends the Department of Treasury's regulations implementing the Freedom of Information and Privacy Acts. The proposed amendments are intended to facilitate and simplify public requests for information, and to assure accurate and consistent application of policies and procedures throughout the Department. The regulation revises fees charged by the Department for duplication, search and other services to reflect increased costs to the Department.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, Office of the Secretary, 202 566-2789

RIN: 1505-AA01

2065. CONTINUED PROFESSIONAL EDUCATION FOR INDIVIDUALS ENROLLED TO PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 31 USC 330

CFR Citation: 31 CFR 10

Abstract: This notice reflects advance notice of an intention to modify the regulations governing practice before the Internal Revenue Service. The modification would require continuing professional education as a condition for the maintenance of good standing for enrollment to practice before the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
ANPRM	07/03/84	49 FR 27326
ANPRM Comment Period Begin	07/03/84	49 FR 27326
ANPRM Comment Period End	09/04/84	
NPRM	04/23/85	50 FR 15937
NPRM Comment Period Begin	04/23/85	50 FR 15937
NPRM Comment Period End	06/24/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Office of the Secretary, Internal Revenue Service, Washington, DC 20224, **202 535-6787**

RIN: 1505-AA07

2066. REPORTING OF INTERNATIONAL CAPITAL AND FOREIGN CURRENCY TRANSACTIONS AND HOLDINGS, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Legal Authority: 31 USC 5315

CFR Citation: 31 CFR 128

Abstract: Part 128 of Title 31, CFR, sets forth the requirements and describes the forms used for reporting international capital and foreign currency transactions and holdings. Large amounts of offshore loans to U.S. nonbank residents are not being properly reported on the TIC C-series forms prescribed in Subpart B of Part 128. Much of this underreporting results from confusion among nonbank borrowers over whether the source of their loans is domestic or foreign. This confusion is exacerbated by the failure of U.S. intermediaries to comply with existing obligations, specified in the Form BL-2 instructions, either to report certain foreign transactions on behalf of their U.S. customers or to inform those customers of foreign ownership of claims held against them. This final rule describes and authorizes the issuance of TIC Form BL-3, designed for use by a bank or other financial intermediary in the U.S. to notify a nonbanking customer that a foreign loan has been arranged and that the customer has an obligation to report on TIC Form CQ-1.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19702
NPRM Comment Period Begin	05/10/85	50 FR 19702
NPRM Comment Period End	07/15/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Gary A. Lee, Department of the Treasury, Office of the Secretary, Room 5453, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, **202 566-3114**

RIN: 1505-AA13

2067. DISCIPLINE OF APPRAISERS AGAINST WHOM AIDING AND ABETTING PENALTIES UNDER THE INTERNAL REVENUE CODE HAVE BEEN ASSESSED

Legal Authority: 5 USC 301; 31 USC 321

CFR Citation: 31 CFR 10

Abstract: This notice solicits public comment on proposed regulations implementing section 156 of the Deficit Reduction Act of 1984 (98 Stat. 695). Section 156 provides for the disqualification of appraisals and appraiser testimony in connection with Treasury Department or Internal Revenue Service proceedings with respect to any appraiser who has been assessed an aiding and abetting penalty under 26 USC 7601(a) after July 18, 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 07075
NPRM Comment Period Begin	02/20/85	50 FR 07075
NPRM Comment Period End	04/21/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 535-6787**

RIN: 1505-AA14

DEPARTMENT OF THE TREASURY (TREAS)

Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

2068. AMENDMENTS TO IMPLEMENTING REGULATIONS--CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT

Legal Authority: 31 USC 5314 Currency and Foreign Transactions Reporting Act

CFR Citation: 31 CFR 103

Abstract: This regulation would establish a mechanism through which the Secretary of the Treasury, exercising the authority conferred on him by the Currency and Foreign Transactions Reporting Act, could issue substantive regulations requiring financial institutions in the United States to submit reports of financial transactions with foreign financial agencies.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 13548
NPRM Comment Period Begin	04/05/84	49 FR 13548
NPRM Comment Period End	06/04/84	
Final Action	05/01/85	50 FR 18478
Final Action Effective	05/31/85	50 FR 18478

Small Entity: Undetermined

TREAS—OS **Completed Actions**

Agency Contact: Robert Stankey, Financial Crimes & Frauds, Advisor to the Ass't Secy (Enforcement), Department of the Treasury, Office of the Secretary, Room 1458, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, **202 566-8022**

RIN: 1505-AA05

[FR Doc. 85-21615 Filed 10-28-85; 8:45 am]

BILLING CODE 4810-25-T

Office of Revenue Sharing—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2069	31 CFR 51 Wind Down of Revenue Sharing Program	1507-AA09

Office of Revenue Sharing—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
2070	31 CFR 51, Subpart G Revision of Subpart G	1507-AA08

Office of Revenue Sharing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2071	31 CFR 51, Subpart F Amendment of Audit Regulations to Reflect Single Audit Act of 1984	1507-AA11

DEPARTMENT OF THE TREASURY (TREAS) **Current and Projected Rulemakings**

Office of Revenue Sharing (ORS)

2069. WIND DOWN OF REVENUE SHARING PROGRAM

Legal Authority: 31 USC 6701 to 6724 The Revenue Sharing Act

CFR Citation: 31 CFR 51

Abstract: The administration is recommending termination of the Revenue Sharing Program one year in advance of the current authorization. The 1986 budget proposed by Congress, however, provides for full funding of its current authorization through fiscal year 1986. It is expected that at that time the Revenue Sharing Program will expire. A number of provisions of the regulations should be revised to permit the orderly wind down of the Revenue Sharing Program. No alternative to wind down is available. It is expected that termination of the program will effect substantial cost savings.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney Advisor. (See contact heading for address and phone.)

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Government Levels Affected: Local, Federal

Agency Contact: Richard S. Isen, Chief Counsel for Revenue Sharing, Department of the Treasury, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, **202 634-5182**

RIN: 1507-AA09

DEPARTMENT OF THE TREASURY (TREAS)
Office of Revenue Sharing (ORS)

Existing Regulations Under Review

2070. REVISION OF SUBPART G

Legal Authority: 31 USC 6701 to 6724 The Revenue Sharing Act

CFR Citation: 31 CFR 51, Subpart G

Abstract: Subpart G contains the administrative hearing procedures to be used when a violation of the Revenue Sharing Act has occurred. These regulations have not been substantially reviewed since 1979 and need to be clarified and updated. No cost to the public or the Federal government is expected to be incurred as a result of this regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney Advisor. (See contact heading for address and phone.)

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Government Levels Affected: Local, Federal

Agency Contact: Richard S. Isen, Chief Counsel for Revenue Sharing, Department of the Treasury, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, 202 634-5182

RIN: 1507-AA08

DEPARTMENT OF THE TREASURY (TREAS)
Office of Revenue Sharing (ORS)

Completed Actions

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

2071. ◎ AMENDMENT OF AUDIT REGULATIONS TO REFLECT SINGLE AUDIT ACT OF 1984

Legal Authority: 31 USC 6701 to 6724 The Revenue Sharing Act; 31 USC 7501 to 7507 The Single Audit Act of 1984

CFR Citation: 31 CFR 51, Subpart F

Abstract: The single Audit Act of 1984 was enacted on October 19, 1984. It calls for imposing uniform audit requirements for all state and local recipients of Federal financial assistance instead of a separate audit for each program under which funds are received. The Revenue Sharing regulations must be amended to reflect the requirements of the Single Audit Act. There is no alternative to this action. It is expected that it will result in a cost saving to local governments as the possibility of duplication of effort will be eliminated.

Timetable:

Action	Date	FR Cite
Final Action	08/28/85	50 FR 35072

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney Advisor (see contact heading for address and phone).

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Government Levels Affected: Local, State, Federal

Agency Contact: Richard S. Isen, Chief Counsel for Revenue Sharing, Department of the Treasury, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, 202 634-5182

RIN: 1507-AA11

[FR Doc. 85-21615 Filed 10-28-85; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Financial Management Service, Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

DATED: August 16, 1985.

W. E. Douglas,

Commissioner.

TREAS—FMS

Financial Management Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2072	31 CFR 205 Revision of Treasury Department Circular (TDC) No. 1075, Regulations Governing Withdrawal of Cash from the Treasury for Advances Under Federal Grant and Other Programs	1510-AA00
2073	31 CFR 223.1 Regulations Governing Surety Companies Doing Business with the United States	1510-AA05
2074	31 CFR 206 Management of Federal Agency Receipts and Operations of the Cash Management Improvements Fund	1510-AA06

DEPARTMENT OF THE TREASURY (TREAS)

Financial Management Service (FMS)

Current and Projected Rulemakings

2072. REVISION OF TREASURY DEPARTMENT CIRCULAR (TDC) NO. 1075, REGULATIONS GOVERNING WITHDRAWAL OF CASH FROM THE TREASURY FOR ADVANCES UNDER FEDERAL GRANT AND OTHER PROGRAMS

Legal Authority: 5 USC 301; 31 USC 6503; 42 USC 4213

CFR Citation: 31 CFR 205

Abstract: Revision of TDC 1075 will implement a new funding option for Federal programs and require payment of interest during the time Federal funds reside in a bank account. This new "Checks Issued-Interest Remitted" technique is developed in response to statutes in some States that require that the funds reside in a bank account prior to the issuance of checks. This revision also provides for the remittance of interest by the Federal Government to the States for the time that a State's funds are advanced for Federal programs provided for in a Congressional appropriation.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Decision pending	00/00/00	

Small Entity: No

Additional Information: In addition, other cash management issues discussed by the Joint State/Federal Equity Task Force will be addressed in this regulation.

Government Levels Affected: Local, State, Federal

Agency Contact: Katherine Payne, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, Treasury Anx. 1, PB 802, Madison Place and Pennyslvania, NW, Washington, DC 20226, **202 634-5704**

RIN: 1510-AA00

2073. REGULATIONS GOVERNING SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Legal Authority: 31 USC 9305

CFR Citation: 31 CFR 223.1; 31 CFR 223.2; 31 CFR 223.3; 31 CFR 223.8; 31 CFR 223.10; 31 CFR 223.11; 31 CFR 223.12; 31 CFR 223.14; 31 CFR 223.16; 31 CFR 223.17; 31 CFR 223.21; 31 CFR 223.22

Abstract: The amended regulations will revise United States Code references; revise titles of designated officials; reduce quarterly reporting requirements of insurance companies from an estimated 4,000 hours annually to approximately 2,000 hours; eliminate the admitted reinsurer requirement thereby eliminating the reporting requirements and fees of 150 companies and saving approximately 900 staff review hours. Other benefits will include the reduction in application and renewal fees currently $1,050 and $700 respectively (by 30 to 50 percent); reduction in staff hours required for annual reviews (cut from 3700 hours to 1850 hours); reduction in staff hours required for application reviews (cut from 1800 to 900) and quarterly reviews (cut from 200 to 100 hours). Purpose of the revisions is to substantially reduce the human and material resources needs of this operation.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31454
NPRM Comment Period Begin	08/07/84	
NPRM Comment Period End	10/09/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Terry L. Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 615 Matomic Bldg., 1717 H Street, NW, Washington, DC 20226, **202 634-2345**

RIN: 1510-AA05

2074. MANAGEMENT OF FEDERAL AGENCY RECEIPTS AND OPERATIONS OF THE CASH MANAGEMENT IMPROVEMENTS FUND

Significance: Regulatory Program

Legal Authority: 31 USC 321; 31 USC 3301; 31 USC 3302; 31 USC 3720

CFR Citation: 31 CFR 206

Abstract: This proposed regulation implements the Deficit Reduction Act of 1984, Title VI, Subtitle C, Section 2652. This regulation prescribes the policies and guidelines for promoting effective cash management through improved billing, collection, and deposit that results in improved availability of funds.

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	50 FR 12333
NPRM Comment Period Begin	03/28/85	50 FR 12333

Action	Date	FR Cite
NPRM Comment Period End	05/28/85	
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: Previous reporting proposed two regulations to implement Section 2652 of the Deficit Reduction Act of 1984 (RIN 1510-AA06 and AA07). The two regulations have now been combined into one regulation. Therefore, RIN 1510-AA07 is withdrawn.

Agency Contact: Susan Veintemillas, Program Analyst, Department of the Treasury, Financial Management Service, Cash Management Division, Rm 711 Premier Building 1725 "I" St. NW, Washington, DC 20226, 202 634-5781

RIN: 1510-AA06

[FR Doc. 85-21616 Filed 10-28-85; 8:45 am]

BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 572]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Treasury.

ACTION: General notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291, entitled "Federal Regulations," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of April 1986.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact," for the regulatory project.

For general information about this general notice, contact Lori Weins, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226; (202) 566-7626.

Following is a table of abbreviations used throughout the agenda.

TABLE OF ABBREVIATIONS

ABBREVIATION	MEANING
ANPRM	Advance notice of proposed rulemaking
ATF	Bureau of Alcohol, Tobacco and Firearms
CFR	Code of Federal Regulations

TABLE OF ABBREVIATIONS—Continued

ABBREVIATION	MEANING
DSP	Distilled Spirits Plant
E.O.	Executive Order
FR	Federal Register
FAA Act	Federal Alcohol Administration Act
NPRM	Notice of proposed rulemaking
OFR	Office of the Federal Register
OMB	Office of Management and Budget
Pub. L.	Public Law
T.D.	Treasury Decision
T.D. with N.	(Temporary) Treasury Decision with Notice
T.D. w/o N.	Treasury Decision without Notice
Treasury	Department of the Treasury

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

SIGNED: August 13, 1985.

W. T. Drake,

Acting Director.

Bureau of Alcohol, Tobacco and Firearms—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2075	27 CFR 19.11 Implementation of the "Wine Impact Bill"	1512-AA06
2076	27 CFR 9 American Viticultural Areas	1512-AA07
2077	27 CFR 19.377 Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands	1512-AA09
2078	27 CFR 5.22 Standard of Identity for Vodka	1512-AA10
2079	27 CFR 4 Recodification of 27 CFR Part 4	1512-AA17
2080	27 CFR 197 Nonbeverage Drawback	1512-AA20
2081	27 CFR 245 Recodification of Beer Regulations	1512-AA24

TREAS—BATF

Bureau of Alcohol, Tobacco and Firearms—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2082	27 CFR 4.29 Grape Harvest Labeling for Wine	1512-AA31
2083	27 CFR 5.22(b)(1)(iii) Change in Standard of Identity for Straight Whiskies of the Same Type	1512-AA32
2084	27 CFR 4.26 Estate Bottled	1512-AA34
2085	27 CFR 5.22 Reduced Proof Distilled Spirits Products	1512-AA36
2086	27 CFR 4.39(i) Geographic Brand Names	1512-AA37
2087	27 CFR 5.47a 375 ml and 500 ml Containers for Distilled Spirits	1512-AA39
2088	27 CFR 240.180 to 240.400 Recodification of Wine Regulations (Subparts A to O)	1512-AA42
2089	27 CFR 13.31 Denatured Alcohol - Measurement of Proof	1512-AA43
2090	27 CFR 19.42 Caribbean Basin Economic Recovery Act	1512-AA45
2091	27 CFR 5.22(h)(3) 2 1/2% Alcohol Flavoring	1512-AA46
2092	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word Light (Lite)	1512-AA48
2093	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Appearance of Athletes and Depiction of Athletic Events	1512-AA50
2094	27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA61
2095	27 CFR 5.37 Replacement of Proof Statement with Percentage-of-Alcohol- by-Volume Statement on Distilled Spirits Labels	1512-AA62
2096	27 CFR 7.25 Listing of Principal Place of Business on Beer Labels	1512-AA66
2097	27 CFR 4 Winegrape Varietal Designations	1512-AA67
2098	27 CFR 4 Disclosure of Sulfiting Agents on Alcohol Beverage Labels	1512-AA68
2099	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26	1512-AA69
2100	27 CFR 55 Information Gathering on Fireworks Regulations	1512-AA52
2101	27 CFR 47 Revision of 27 CFR Part 47 to Conform to the Revision of the International Traffic in Arms Regulations (ITAR)	1512-AA59
2102	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28
2103	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2104	27 CFR 252 Effect of Reduced Customs Staffing at Customs Bonded Warehouses	1512-AA35
2105	27 CFR 19 Repeal of Strip Stamp Requirement on Distilled Spirits Containers	1512-AA63
2106	27 CFR 178.121(a) Federal Firearms License Record Retention	1512-AA40
2107	27 CFR 179 Removal of References to United States Attorneys and United States Marshalls as Possible Certifying Officials and Minor Changes to Identification Procedures	1512-AA51
2108	27 CFR 47.11 Importation of Firearms and Other Miscellaneous Amendments Relating to Firearms and Ammunition	1512-AA60
2109	27 CFR 55 Firearms License and Explosives License or Permit Application and Renewal Procedures	1512-AA64
2110	27 CFR 170 Distilled Spirits Floor Stocks Tax	1512-AA65

DEPARTMENT OF THE TREASURY (TREAS)

Current and Projected Rulemakings

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2075. IMPLEMENTATION OF THE "WINE IMPACT BILL"

Significance: Agency Priority

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105; ...

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Richard C. Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA06

2076. AMERICAN VITICULTURAL AREAS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Supplemental Timetable:

Arkansas Mountain, AR (contact Steve Simon)
NPRM 12/00/85
Armendaris, NM (contact Ed Reisman)
NPRM 06/00/86
Bonny Doon, CA (contact Jim Ficaretta)
NPRM 06/00/86
Central Coast, CA (contact John Linthicum)
NPRM 07/11/84 (49 FR 28257)
NPRM Comment Period End 09/10/84
Final Action 12/00/85
Cumberland Valley, MD and PA (contact Michael Breen)
NPRM 02/28/85 (50 FR 8142)
NPRM Comment Period End 04/15/85
Final Action 07/23/85 (50 FR 29967)
El Dorado, CA - Amendment (contact Jim Hunt)
NPRM 12/00/85
Lodi, CA (contact Lori Weins)
NPRM 07/12/85 (50 FR 28409)
NPRM Comment Period End 08/26/85
Final Action 12/00/85
Mimbres Valley, NM (contact Ed Reisman)
NPRM 02/12/85 (50 FR 5775)
NPRM Comment Period End 03/29/85
Final Action 12/00/85
Monticello, VA - Amendment (contact Jim Hunt)
NPRM 12/00/85
North Fork of Long Island, NY (contact Ed Reisman)
NPRM 12/00/85
North Yuba, CA (contact Mike Breen)
NPRM 03/27/85 (50 FR 12038)
NPRM Comment Period End 05/28/85
Final Action 07/30/85 (50 FR 30818)
Northern Neck, VA (contact Ed Reisman)
NPRM 09/17/85 (50 FR 37692)
Northern Sonoma, CA (contact John Linthicum)
NPRM 06/27/83 (48 FR 29539)
NPRM Comment Period End 08/11/83
Final Action 05/17/85 (50 FR 20560)
Ozark Highlands, MO (contact Steve Simon)
NPRM 06/00/86
Ozark Mountains, AR, OK, MO (contact Steve Simon)
NPRM 09/17/85 (50 FR 37696)
San Benito, CA (contact Steve Simon)
NPRM 06/00/86
San Lucas, CA (contact Mike Breen)
NPRM 06/00/86
Santa Clara Valley, CA (contact Ed Reisman)
NPRM 12/00/85
South Coast, CA (contact Steve Simon)
NPRM 04/19/85 (50 FR 15588)
NPRM Comment Period End 06/03/85
Final Action 12/00/85
Temecula, CA - Amendment (contact John Linthicum)
NPRM 10/10/85 (50 FR 41364)
The Hamptons, Long Island, NY (contact Ed Reisman)
NPRM 08/13/84 (49 FR 32223)
NPRM Comment Period End 09/27/84
Final Action 05/16/85 (50 FR 20409)
Treasure Valley, ID and OR (contact Steve Simon)
NPRM 02/00/86

Small Entity: No

Agency Contact: See supplemental timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA07

2077. REPORTING TAXES DUE TO THE GOVERNMENTS OF PUERTO RICO AND THE VIRGIN ISLANDS

Significance: Agency Priority

Legal Authority: 26 USC 5555; 26 USC 5207

CFR Citation: 27 CFR 19.377

Abstract: Changes the reporting requirements for most Puerto Rican and Virgin Islands spirits bottled at domestic distilled spirits plants. The reporting requirement will remain as a line item on the proprietor's monthly reports. However, the time for recording tax determination of insular spirits will change from the time these spirits enter the processing account to the time of tax determination.

Timetable:

Action	Date	FR Cite
NPRM	04/13/81	46 FR 21624
Amended NPRM	06/00/86	

Small Entity: No

Agency Contact: Mary Wood, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA09

2078. STANDARD OF IDENTITY FOR VODKA

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-98 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
NPRM	12/00/85	

Small Entity: No

Additional Information: Additional Agency Contact: Ed Reisman.

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA10

2079. RECODIFICATION OF 27 CFR PART 4

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: Additional Agency Contact: Ed Reisman

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA17

2080. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: This regulation affects approximately 500 entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA20

2081. RECODIFICATION OF BEER REGULATIONS

Significance: Agency Priority

Legal Authority: 26 USC 5051 et seq; 26 USC 5401 et seq

CFR Citation: 27 CFR 245

Abstract: To simplify and clarify regulations relating to the production and taxpayment of beer; to simplify and reduce paperwork and recordkeeping requirements imposed on industry; and to reflect technological advances in the beer industry since the regulations were last revised.

Timetable:

Action	Date	FR Cite
NPRM	02/03/83	48 FR 4803
NPRM Comment Period End	05/04/83	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA24

2082. GRAPE HARVEST LABELING FOR WINE

Significance: Agency Priority

Legal Authority: 27 USC 205E; 27 USC 205F

CFR Citation: 27 CFR 4.29

Abstract: Late harvest designations, based on the Brix (percent by weight) level of the grapes at harvest would indicate to consumers that the grapes used to produce the wine were left on the vine for express purpose of increasing the sugar content. The designations would indicate additional techniques and processes were used in the production of the wine.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Michael Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA31

2083. CHANGE IN STANDARD OF IDENTITY FOR STRAIGHT WHISKIES OF THE SAME TYPE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22(b)(1)(iii); 27 CFR 19.346(b)

Abstract: Current regulations do not provide for distilled spirits plant proprietors to mingle and still designate as straight whiskies of the same type produced at different distilleries or produced by different distillers. This project will allow such whiskies to be labeled as straight as long as the whiskies are produced within the same state. Their only alternative is to leave the regulations as they are and to not allow such whiskies to be mingled and designated as straight. We do not anticipate any extra costs to result from this change in regulations. This change will result in greater flexibility for distilled spirits plant proprietors.

Timetable:

Action	Date	FR Cite
NPRM	05/08/84	49 FR 19333
NPRM Comment Period Begin	05/08/84	
NPRM Comment Period End	07/06/84	
NPRM Comment Period Extended	07/13/84	49 FR 30538
Extended NPRM Comment Period Ends	10/29/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA32

2084. ESTATE BOTTLED

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.26

Abstract: To redefine estate bottled requirements and provide for additional terms to provide requirements for imported wine.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA34

2085. REDUCED PROOF DISTILLED SPIRITS PRODUCTS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Abstract: ATF is proposing to amend the regulations to provide for reduced proof distilled spirits products similar to "light beer," "light wine" and similar "light products which have become

increasingly popular with consumers in recent years. Since 1968, the words "light whisky" have referred to whisky produced by two processes which are different from other American whiskies and the term "light" does not refer to lower alcohol content. However, ATF is considering abolishing "light whisky" as a standard of identity, so that the word "light" can refer only to reduced alcohol content. Unlike wine and beer, distilled spirits products are usually sold at more than one bottling proof (e.g. whisky is frequently sold at 80 degrees, 86 degrees, and 100 degrees proof) with the difference in proof being the only distinction between products which are otherwise identical. Therefore, ATF must carefully consider labeling to ensure there exists a clear cut difference in the minds of consumers between products at minimum bottling proof or above minimum bottling proof, and those which are reduced in proof.

Timetable:

Action	Date	FR Cite
ANPRM	08/04/83	48 FR 35460
ANPRM Comment Period Begin	08/04/83	48 FR 35460
ANPRM Comment Period Extension	10/28/83	48 FR 49870
ANPRM Comment Period End	11/02/83	
ANPRM Extended Comment Period Ends	01/31/84	
ANPRM Comment Period Extension	01/30/85	50 FR 4236
ANPRM Extended Comment Period Ends	04/15/85	
NPRM	12/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: **John Linthicum**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA36

2086. GEOGRAPHIC BRAND NAMES

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.39(i)

Abstract: To propose alternatives to the present regulation which requires that the word "brand" appear in the same size type as the brand name itself.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19330
NPRM Comment Period Begin	05/07/84	
NPRM Comment Period End	07/06/84	
NPRM Comment Period Extended	07/13/84	49 FR 28417
NPRM Comment Period Extended	09/04/84	49 FR 34847
Extended NPRM Comment Period Ends	09/14/84	
NPRM Extended Comment Period Ends	01/02/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: **Jim Ficaretta**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA37

2087. 375 ML AND 500 ML CONTAINERS FOR DISTILLED SPIRITS

Significance: Agency Priority

Legal Authority: 26 USC 5301; 27 USC 205

CFR Citation: 27 CFR 5.47a

Abstract: To determine if both sizes should be standards of fill or whether the 375 ml size should replace the 500 ml size.

Timetable:

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43346
NPRM Comment Period Begin	09/23/83	
NPRM Comment Period Extended	03/21/84	49 FR 10553
NPRM Comment Period End	03/23/84	
Extended Comment Period Ends	01/02/85	
Final Action	11/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jim Ficaretta

Agency Contact: **Ed Reisman**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA39

2088. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO O)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.180 to 240.400

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF rulings into the Regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: **James Hunt**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA42

2089. DENATURED ALCOHOL - MEASUREMENT OF PROOF

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat. 917, as amended)

CFR Citation: 27 CFR 13.31

Abstract: The regulation will prescribe procedures for proofing industrial alcohol containing volatile or non-volatile specific gravity obscuring solids.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Petrangelo, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA43

2090. CARIBBEAN BASIN ECONOMIC RECOVERY ACT

Significance: Agency Priority

Legal Authority: PL 98-67, Title II (Caribbean Basin Economic Recovery Act); 26 USC 7652

CFR Citation: 27 CFR 19.42; 27 CFR 19.377; 27 CFR 19.517; 27 CFR 250.1; 27 CFR 250.30; 27 CFR 250.31; 27 CFR 250.35; 27 CFR 250.200

Abstract: Under current law (26 USC 7652), the excise taxes collected on all merchandise manufactured in Puerto Rico and the Virgin Islands, and shipped to the U.S., are deposited into the Treasury of either Puerto Rico or the Virgin Islands.

The Caribbean Basin Economic Recovery Act was passed to promote the economic revitalization of the Caribbean Basin area by removing the duty on certain merchandise from certified Caribbean Basin countries. In order to minimize any adverse effects this would have on Puerto Rico and the Virgin Islands, a provision was added to require that the excise taxes collected on all rum that is imported into the U.S. be deposited in the Treasuries of Puerto Rico and the Virgin Islands. This would be in addition to the amounts already transferred under 26 U.S.C. 7652 (a) and (b).

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6200
Final Action	01/00/86	

Small Entity: No

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA45

2091. 2 1/2% ALCOHOL FLAVORING

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22(h)(3); 27 CFR 5.22(h)(4); 27 CFR 5.22(i); 27 CFR 5.35; 27 CFR 5.42(b); 27 CFR 5.65(a)

Abstract: Ten standard of identity products will be held more closely to the class and type of spirits indicated by their designation.

The class and type of distilled spirits contained in certain other products will be disclosed in greater detail.

Misleading impressions created by the use of the term "Distilled" on distilled spirits products containing coloring, flavoring, or blending materials will be eliminated.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Robert Petrangelo, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA46

2092. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD LIGHT (LITE)

Significance: Agency Priority

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Abstract: "Light (Lite)" was addressed to a limited extent in Notice No. 362 (45 FR 83530). However, subsequent to its publication ATF was petitioned by the Center for Science in the Public Interest (CSPI), requesting mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on calories in products labeled as "light (lite)." Comments will be requested on CSPI's petition as well as other issues involving use of the term "light (lite)."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Charles Bacon.

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA48

2093. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; APPEARANCE OF ATHLETES AND DEPICTION OF ATHLETIC EVENTS

Significance: Agency Priority

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Abstract: Discusses present policy on prohibition of active athletes and requests comments on whether the policy should be relaxed, retained, expanded to include all celebrities. On athletic events, comments are requested if the present prohibition should be expanded to include any athletic event, regardless of when the participants are shown consuming, or preparing to consume, alcohol beverages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Charles Bacon.

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226,

202 566-7626

RIN: 1512-AA50

2094. MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Significance: Agency Priority

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37527
NPRM Comment Period Begin	09/24/84	
NPRM Comment Period Extended	01/22/85	50 FR 2832
NPRM Comment Period End	01/23/85	
Extended NPRM Comment Period Ends	03/01/85	
Final Action	06/00/86	

Small Entity: No

Additional Information: This was formerly part of RIN 1512-AA12 Materials and Processes for the Production and Treatment of Wine.

Agency Contact: Mike Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA61

2095. REPLACEMENT OF PROOF STATEMENT WITH PERCENTAGE-OF-ALCOHOL- BY-VOLUME STATEMENT ON DISTILLED SPIRITS LABELS

Significance: Agency Priority

Legal Authority: 26 USC 5206; 26 USC 5301; 27 USC 205(e)

CFR Citation: 27 CFR 5.37; 27 CFR 19.643

Abstract: Joseph E. Seagram and Sons, Inc. has petitioned ATF to require the statement of alcohol content on labels of distilled spirits to be stated in percentage-alcohol-by-volume instead of proof.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA62

2096. ● LISTING OF PRINCIPAL PLACE OF BUSINESS ON BEER LABELS

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 26 USC 5412

CFR Citation: 27 CFR 7.25; 27 CFR 25.142; 27 CFR 25.143

Abstract: This proposed rule would allow a brewer who operates more than one brewery to use a principal place of business as the address shown on labels in lieu of listing the actual place of production or showing all of the breweries operated by the brewer. This rule would benefit the industry by eliminating the need to prepare redesigned labels every time a brewery was bought, sold, built, or otherwise disposed of. It would benefit industry and government by reducing the numbers of labels submitted for approval under the Federal Administration Act.

Timetable:

Action	Date	FR Cite
NPRM	10/15/85	50 FR 41701

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA66

2097. ● WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Abstract: This proposal would establish standardized lists of winegrape varietal names which may be used on a wine label. In addition we are proposing a method by which new names may be added to the list. These standardized lists will assure more accurate and truthful identification of the wine.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Norris Alford, Chief, Product Compliance Branch, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7595

RIN: 1512-AA67

2098. ● DISCLOSURE OF SULFITING AGENTS ON ALCOHOL BEVERAGE LABELS

Significance: Agency Priority

Legal Authority: 27 USC 205(c)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Abstract: The Food and Drug Administration has determined that Sulfites or Sulfiting Agents pose a risk to the health of some individuals. Based on this action, ATF is proposing to require the disclosure of sulfiting agents in the labeling of alcohol beverage products in which they are present at a level of 10 or more ppm. measured as total sulfur dioxide.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26001
NPRM Comment Period Begin	06/24/85	
NPRM Comment Period End	08/23/85	
NPRM Comment Period Extension	08/23/85	50 FR 43166
Final Action	03/00/86	

Small Entity: Yes

Additional Information: ADDITIONAL AGENCY CONTACT: Jim Ficaretta

Agency Contact: Mike Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA68

2099. ● RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26

Significance: Agency Priority

Legal Authority: 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805

CFR Citation: 27 CFR 250

Abstract: As part of the recodification of Part 250, we plan to simplify, consolidate and or eliminate as many sections of regulations as possible placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we plan to utilize a proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to Part 250 should considerably reduce the burden hours on industry.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: **Robert White**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA69

FIREARMS

2100. INFORMATION GATHERING ON FIREWORKS REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC Chapter 40

CFR Citation: 27 CFR 55

Abstract: Information gathering on Safe Handling of Explosive Materials in the Fireworks industry is necessary due to accidental explosions causing death. Injuries and property damage have occurred at fireworks manufacturing and assembling plants. Damage has been in the millions of dollars and some regulatory changes are needed. This notice to gather information is to determine changes needed and potential costs.

Timetable:

Action	Date	FR Cite
General Notice	06/08/84	49 FR 23872
NPRM	11/00/86	

Small Entity: No

Agency Contact: **Art Cunn**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7591**

RIN: 1512-AA52

2101. REVISION OF 27 CFR PART 47 TO CONFORM TO THE REVISION OF THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

Significance: Agency Priority

Legal Authority: 22 USC 2778 Sec. 38, Arms Export Control Act of 1976; EO 11958 (42 FR 4311)

CFR Citation: 27 CFR 47

Abstract: On December 6, 1984, the Department of State published a final rule revising the International Traffic in Arms regulations. Subsequently, ATF is proposing to revise, simplify, and clarify regulations in 27 CFR Part 47 to conform to the revised ITAR and to improve the regulatory scheme established under the ARMS Export Control Act of 1976 to control the import of defense articles and defense services. The major changes consist of revision of the U.S. Munitions Import list articles, increase of the registration fees, procedures for filing the ATF Form 6A, revisions of the list of prescribed countries, and modification of the import provisions of articles coming from Canada.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: **Teri Byers**, Arms Imports Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7151**

RIN: 1512-AA59

TOBACCO PRODUCTS

2102. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Significance: Agency Priority

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: **Cliff Mullen**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA28

2103. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Abstract: Administrative and recordkeeping burdens under 27 CFR Part 285 and their reduction or elimination.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/84	
ANPRM Comment Period Begin	09/02/84	
ANPRM Comment Period End	10/02/84	
Final Action	11/00/85	

Small Entity: Undetermined

Agency Contact: **Cliff Mullen**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA33

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Completed Actions

COMPLETED RULEMAKINGS

2104. EFFECT OF REDUCED CUSTOMS STAFFING AT CUSTOMS BONDED WAREHOUSES

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 252; 27 CFR 251

Abstract: The Customs Bureau has withdrawn Customs Officers from Customs Bonded Warehouses, consequently, there are no Customs Officers present to certify ATF forms or to make gauges of distilled spirits. Because of possible jeopardy to the Federal Revenue, ATF has issued instructions to proprietors of customs bonded warehouses requesting them to certify ATF forms and make gauges of distilled spirits in the absence of customs officers. This change in regulations will formalize this procedure. The alternative to allowing customs bonded warehouse proprietors to sign forms and gauge spirits is to not require anyone to perform these functions. This would result in an unacceptable risk to the Federal Revenue. We do not anticipate any extra costs to result from this change in regulations. This change will ensure that there is no jeopardy to the Federal Revenue.

Timetable:

Action	Date	FR Cite
Withdrawn	08/01/85	
Interim Final Rule	08/00/85	

Small Entity: No

Agency Contact: **Robert White**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA35

2105. REPEAL OF STRIP STAMP REQUIREMENT ON DISTILLED SPIRITS CONTAINERS

Significance: Agency Priority

Legal Authority: PL 98-369, Sec 454

CFR Citation: 27 CFR 19; 27 CFR 170; 27 CFR 194; 27 CFR 197; 27 CFR 250; 27 CFR 251; 27 CFR 252

Abstract: The Deficit Reduction Act of 1984 (Pub. L. 98-369) eliminated the stamp requirement for containers of Distilled Spirits by repealing 26 U.S.C. 5205. Containers having a capacity of one wine gallon or less will be required to bear tamper-evident closures or other devices which are designed to require breaking to gain access to the contents of the container. The effective date of this provision is July 1, 1985. This saves the U.S. Government approximately $1.7 million dollars annually in printing costs that were incurred by supplying these stamps to the industry.

Timetable:

Action	Date	FR Cite
Final Action	06/07/85	50 FR 23949
NPRM	06/00/85	
Interim Final Rule	06/00/85	
Final Action Effective	07/01/85	

Small Entity: No

Agency Contact: **Susan McCarron**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA63

2106. FEDERAL FIREARMS LICENSE RECORD RETENTION

Significance: Agency Priority

Legal Authority: 18 USC 926 (82 Stat. 1226)

CFR Citation: 27 CFR 178.121(a); 27 CFR 178.124(b); 27 CFR 178.125(e)

Abstract: Firearms transaction records are now retained permanently under the Gun Control Act, may be disposed of after 20 years beginning December 10, 1988, excepting acquisition records retained by manufacturers and importers, which will continue to be held permanently. All transaction records obtained before the Gun Control Act of 1968, again with the exception of the acquisition records of manufacturers and importers, may be disposed of immediately.

Timetable:

Action	Date	FR Cite
NPRM	02/14/84	49 FR 5628
NPRM Comment Period End	04/16/84	
Final Action	06/28/85	50 FR 26702
Final Action Effective	07/29/85	

Small Entity: No

Agency Contact: **J. Barry Fields**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7591**

RIN: 1512-AA40

2107. REMOVAL OF REFERENCES TO UNITED STATES ATTORNEYS AND UNITED STATES MARSHALLS AS POSSIBLE CERTIFYING OFFICIALS AND MINOR CHANGES TO IDENTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: PL 90-618 82 Stat. 1213

CFR Citation: 27 CFR 179

Abstract: To amend the regulations by deleting the regulatory references to United States Attorneys and United States Marshalls as law enforcement officials available for certifying applications to make or transfer National Firearms Act (NFA) firearms.

Timetable:

Action	Date	FR Cite
Final Action	10/15/85	50 FR 41680

Small Entity: No

Agency Contact: **Larry White**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7591**

RIN: 1512-AA51

2108. IMPORTATION OF FIREARMS AND OTHER MISCELLANEOUS AMENDMENTS RELATING TO FIREARMS AND AMMUNITION

Significance: Agency Priority

Legal Authority: 18 USC 926; 22 USC 2778

CFR Citation: 27 CFR 47.11; 27 CFR 47.52; 27 CFR 178, Subpart J

Abstract: Implements Section 233 of the Trade and Tariff Act of 1984 (Pub. L. 98-573, 98 Stat. 2991). This section of the Act amended Section 925 of Chapter 44 of Title 18, U.S.C., by adding a new paragraph (e). Under this paragraph, the importation by a licensed importer of all rifles and shotguns listed by the Director as curios or relics, and all handguns listed by the Director as curios or relics that are recognized as particularly suitable for or readily

adaptable to sporting purposes is allowed not withstanding any other provision of Title 18. This includes such firearms that may be surplus military firearms. Also revises the regulations in Subpart J of 27 CFR Part 178 by removing certain penalty provisions from the regulations and by redesignating the remaining provisions.

Timetable:

Action	Date	FR Cite
Final Action	04/12/85	50 FR 14380
Final Action Effective	04/12/85	

Small Entity: No

Agency Contact: Dan Crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7591**

RIN: 1512-AA60

2109. FIREARMS LICENSE AND EXPLOSIVES LICENSE OR PERMIT APPLICATION AND RENEWAL PROCEDURES

Significance: Agency Priority

Legal Authority: 18 USC Chapter 40 Section 841 to end; 18 USC Chapter 44 Section 921 to 928

CFR Citation: 27 CFR 55; 27 CFR 178

Abstract: Firearms licenses and Explosives licenses and Permits are currently acquired by an applicant filing an application with the Regional Director (Compliance) via the Director of the Internal Revenue Service Center for the area in which the applicant intends to engage in business.

This procedure will use a commercial lockbox operation for receiving, separating the forms and depositing the fees to the Governments account, and forward the applications to the right ATF licensing section expeditiously and at no cost to the Government.

This lockbox procedure will take the place of the receipt and collection function performed by the Internal Revenue Service Center.

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44922
NPRM Comment Period Begin	11/13/84	
NPRM Comment Period End	12/13/84	
Final Action	03/15/85	50 FR 10496
Final Action Effective	04/15/85	

Small Entity: No

Agency Contact: Henry McMahon, ATF Firearms Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7591**

RIN: 1512-AA64

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

2110. ● DISTILLED SPIRITS FLOOR STOCKS TAX

Significance: Agency Priority

Legal Authority: PL 98-369; Deficit Reduction Act of 1984

CFR Citation: 27 CFR 170; 27 CFR 252

Abstract: The regulations implement section 27 of the Deficit Reduction Act of 1984 by (1) Amending ATF Distilled Spirits regulations to conform to the increase in the distilled spirits tax rate, and (2) adding new regulations for the collection of floor stocks tax on certain taxpaid distilled spirits and imported perfumes which are held for sale on October 1, 1985.

Timetable:

Action	Date	FR Cite
Final Action	08/23/85	50 FR 34116
Final Action Effective	09/23/85	

Small Entity: No

Agency Contact: Robert Hardt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA65

[FR Doc. 85-21617 Filed 10-28-85; 8:45 am]

BILLING CODE 4810-31-T

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the Office's previous semiannual agenda on April 29, 1985 (50 FR 17634) are also included. It is expected that this semiannual agenda will enable the public to be more aware of, and allow it to more effectively participate in, the Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda contact Nancy Lowther, Financial Analyst, Legislative and Regulatory Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries have been determined not to have a "significant impact on a substantial number of small entities," and therefore are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291

defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

DATED: August 16, 1985.

H. Joe Selby,

Acting Comptroller of the Currency.

Comptroller of the Currency—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2111	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
2112	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
2113	12 CFR 11 Securities Exchange Act Disclosure Rules	1557-AA06
2114	12 CFR 17 Required Notification To Nominate Bank Directors	1557-AA07
2115	12 CFR 7.5225 Reports of Suspected Crimes	1557-AA12
2116	12 CFR 27 Fair Housing Home Loan Data System	1557-AA14
2117	12 CFR 19 Rules of Practice and Procedure	1557-AA43
2118	12 CFR 18 Annual Financial Disclosures to Shareholders	1557-AA44
2119	12 CFR 5.50(i) Rules, Policies, and Procedures for Corporate Activities; Change in Bank Control	1557-AA51
2120	12 CFR 12 Facilitating Shareholder Communications	1557-AA52
2121	12 CFR 4.19 Testimony and Production of Documents in Court	1557-AA57
2122	12 CFR 11, (New Subsection) Securities Exchange Act Disclosure Rules	1557-AA58
2123	12 CFR 32 Lending Limits	1557-AA59

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2124	12 CFR 5.27 Organization of a National Bankers' Bank	1557-AA17
2125	12 CFR 5.35 Bank Service Corporations	1557-AA23
2126	12 CFR 5.52 Brokerage Activities to be Conducted in an Operating Subsidiary	1557-AA34
2127	12 CFR 4.15 Orders, Opinions, Etc. Available to the Public	1557-AA55
2128	12 CFR 7.7445 Charitable Foundations and Charitable Contributions	1557-AA56

DEPARTMENT OF THE TREASURY (TREAS)

Comptroller of the Currency (OCC)

Current and Projected Rulemakings

2111. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 5; 12 CFR 7.7517

Abstract: The Office is engaged in a continuing review of its rules, policies, and procedures governing corporate activities. On April 8, 1985, at 50 FR 13762, a final rule was published simplifying the process for a national bank seeking approval to change its equity capital accounts or to issue subordinated notes or debentures. On August 8, 1985, at 50 FR 32003, the Office issued a final rule removing the section which requires a newly organized national bank to obtain the approval of this Office prior to offering checking accounts without service charges. On November 14, 1984, at 49 FR 45007, the Office issued a proposed rule on the establishment of domestic branches, seasonal agencies and customer bank communication terminals (CBCTs). These proposals are expected to benefit national banks and the Office by removing burdensome and costly regulatory requirements, while maintaining the Office's ability to render an informed decision on the proposed activity. The effect on small entities is considered in the development of each rulemaking.

Timetable:

Action	Date	FR Cite
NPRM establishment of domestic branches, seasonal agencies and CBCTs	11/14/84	49 FR 45007
Final Action equity capital and subordinated debt	04/08/85	50 FR 13762
Final Action equity capital and subordinated debt	08/08/85	50 FR 32003

Action	Date	FR Cite
Final Action establishment of domestic branches, seasonal agencies and CBCTs	00/00/00	

Small Entity: No

Agency Contact: Randall J. Miller, Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1184

RIN: 1557–AA00

2112. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: Sec 1, 77 Stat 668; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Abstract: Comments in response to a prior rulemaking Final rule Docket No. 80-16 (46 FR 71571) published October 29, 1980 included recommendations that additional amendments should be made to 12 CFR Part 9. The Office believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The Office requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations pertaining to collective investment funds, including specific matters which should be addressed. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period Begin	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	
NPRM	00/00/00	

Small Entity: No

Agency Contact: Charles M. Horn, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA04

2113. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11

Abstract: The rule addresses a series of amendments to the securities disclosure regulations of the Office. The amendments govern such matters as the form and content of financial statements of national banks, prescribed formats for financial statements and schedules, and requirements prohibiting the falsification of accounting records and misrepresentations by officers and directors of national banks. The rule also reformats the regulation into a more logical form through the development of centralized bodies of nonfinancial and financial disclosure items comparable to the Securities and Exchange Commission's Regulations S-K and S-X, to which the various disclosure forms for registration, periodic reporting and proxy solicitation make reference. The regulation will not have a significant economic impact on a substantial number of small banks or other entities.

Timetable:

Action	Date	FR Cite
NPRM	09/21/84	49 FR 37246
NPRM Comment Period Begin	09/21/84	49 FR 37246
NPRM Comment Period End	11/20/84	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA06

2114. REQUIRED NOTIFICATION TO NOMINATE BANK DIRECTORS

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 17

Abstract: This regulation states that national banks may adopt bylaws or articles of association that require any shareholder proposing to nominate a director, other than a management nominee, to file certain information in advance with the Office and the bank. A proposal to rescind this regulation was published in the Federal Register. The Office is once again publishing the proposal for comment. The Office is unsure of whether commenters on the previous proposal understood that even if the regulation were removed, a bank could still provide for prior bank notification in its articles of association or bylaws, or both. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/14/80	45 FR 25078
NPRM Comment Period Begin	04/14/80	45 FR 25078
NPRM Comment Period End	06/13/80	
NPRM	08/23/85	50 FR 34159
NPRM Comment Period Begin	08/23/85	50 FR 34159
NPRM Comment Period End	10/22/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: James T. Pitts, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities and Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA07

2115. REPORTS OF SUSPECTED CRIMES

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884

CFR Citation: 12 CFR 7.5225; 12 CFR 21.11

Abstract: The proposal establishes a regulation requiring national banks to submit a criminal referral form upon the occurrence or discovery of any known or suspected theft, embezzlement, check-kiting operation, misappropriation, or other defalcation involving bank personnel or bank funds, or any other suspected criminal violation involving the affairs of the bank. Mysterious disappearances or unexplained shortages of bank funds need not be reported if they are due to

errors which have been discovered and corrected within seven business days. This proposal would remove 12 CFR 7.5225. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/28/85	50 FR 34857
NPRM Comment Period Begin	08/28/85	50 FR 34857
NPRM Comment Period End	10/28/85	

Small Entity: No

Agency Contact: **Jane Rasmussen**, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA12

2116. FAIR HOUSING HOME LOAN DATA SYSTEM

Legal Authority: 15 USC 1 et seq; 15 USC 481; 15 USC 1818; 15 USC 1691 et seq; 42 USC 3601 et seq

CFR Citation: 12 CFR 27

Abstract: This regulation requires national banks to record and retain information on age, race, sex, and marital status of applicants for home loans. Its purpose is to gather data necessary to statistically analyze lending practices to detect possible illegal discrimination. The Office anticipates amending this regulation only if it should become inconsistent with Regulation B data collection and recordkeeping requirements promulgated by the Board of Governors of the Federal Reserve System. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Patrick J. Marr**, Senior Fair Lending Specialist, Department of the Treasury, Comptroller of the Currency, Consumer Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1600**

RIN: 1557-AA14

2117. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1818

CFR Citation: 12 CFR 19

Abstract: The proposed regulation will set forth amendments to the hearing rules for administrative hearings. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Robert L. Davis**, Attorney, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1818**

RIN: 1557-AA43

2118. ANNUAL FINANCIAL DISCLOSURES TO SHAREHOLDERS

Significance: Regulatory Program

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818

CFR Citation: 12 CFR 18

Abstract: The proposed regulation revises certain disclosure requirements of this Office. It would require all national banks to prepare periodic reports about their operations, file them with the Office, notify shareholders and depositors of their availability and supply them to such persons upon request and at no cost. The required reports would be prepared annually, quarterly, and shortly after the occurrence of significant events. They would contain narrative information about the bank, its management, results of operations, financial condition, and the existence of enforcement actions. In addition, the reports would contain financial statements covering multiple reporting periods. The reports would also contain information concerning bank fees, service charges, and funds availability. Banks which currently are subject to 12 CFR 11 and those which are members of bank holding companies subject to periodic disclosure requirements of the Securities and Exchange Commission might be able to use reports filed pursuant to those requirements, supplemented with information about the bank. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	07/13/84	49 FR 28566
ANPRM Comment Period Begin	07/13/84	49 FR 28566
ANPRM Comment Period End	10/11/84	
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	03/00/86	
Final Action	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: David G. Hayes, Senior Economic Advisor, Legislative and Regulatory Analysis Division, 202 447-1177, and Charles M. Horn, Assistant Director, Securities and Corporate Practices Division, 202 447-1954, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: **Emily R. McNaughton**, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1165**

RIN: 1557-AA44

2119. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES; CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1817(j)(13)

CFR Citation: 12 CFR 5.50(i)

Abstract: The regulation revises the disclosure policy adopted under the Change in Bank Control Act to provide for the publication of notices of changes in control filed pursuant to the Act, except in certain tender offer situations, and to clarify the procedure under which additional information regarding the acquisition may be made available upon request. The regulation will not have a significant economic impact on a substantial number of small banks or other entities.

Timetable:

Action	Date	FR Cite
NPRM	05/07/85	50 FR 19183
NPRM Comment Period Begin	05/07/85	50 FR 20800
NPRM Comment Period End	06/21/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: James T. Pitts, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities and Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA51

2120. FACILITATING SHAREHOLDER COMMUNICATIONS

Legal Authority: 12 USC 24; 12 USC 92a; 12 USC 93a

CFR Citation: 12 CFR 12

Abstract: The proposed rule will relate to a national bank's obligation to forward proxy material and related information to bank customers owning securities held by the bank in its name or that of a bank nominee. Delays, inconsistent practices, voting difficulties, and other problems will be addressed. The rulemaking is expected to benefit bank customers by ensuring that they receive in a timely fashion those materials needed to make informed decisions on shareholder matters. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities and Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA52

2121. ● TESTIMONY AND PRODUCTION OF DOCUMENTS IN COURT

Legal Authority: 5 USC 301; 12 USC 481

CFR Citation: 12 CFR 4.19

Abstract: This rule governs the release by this Office of documents, especially reports of examination, and testimony for use in litigation to which the Office is not a party. The Office is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release will be authorized. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period Begin	03/00/86	
NPRM Comment Period End	05/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: L. Robert Griffin, Assistant Director, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1893

RIN: 1557-AA57

2122. ● SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11, (New Subsection)

Abstract: The proposed rule would require that more detailed and meaningful information be provided to shareholders and this Office concerning banks' loan portfolios, other sources of income and exposure to risks. This will assist shareholders in evaluating proposals for mergers, consolidations, acquisitions and similar matters and will assist the Office in administering and enforcing the Securities Exchange Act of 1934 as it applies to national banks. The Office considered not proposing the additional amendments or proposing them as a general guide rather than a rule. However, the Office determined it was appropriate to propose the additional requirements as amendments to Part 11 because the Office believes the proposed requirements will help to clarify the types of disclosures which the Office, shareholders and the public would consider material in analyzing various Exchange Act filings and statements. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	02/00/86	
Final Action	05/00/86	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA58

2123. ● LENDING LIMITS

Legal Authority: 12 USC 1 et seq; 12 USC 84; 12 USC 93a

CFR Citation: 12 CFR 32

Abstract: This regulation implements 12 USC 84 which prescribes the limitations upon the loans that national banks may make to individual borrowers. The Office is considering revisions which would primarily simplify and clarify certain sections of the regulation. In addition, the proposal may address specific problems which have arisen under the regulation since it was promulgated in 1983. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period Begin	01/00/86	
NPRM Comment Period End	03/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: William B. Glidden, Assistant Director (Bank Assets), Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557-AA59

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

COMPLETED RULEMAKINGS

2124. ORGANIZATION OF A NATIONAL BANKERS' BANK

Legal Authority: 12 USC 1 et seq; 12 USC 24(7); 12 USC 27

CFR Citation: 12 CFR 5.27

Abstract: The Garn-St. Germain Depository Institutions Act of 1982, PL 97-320, empowered this Office to charter bankers' banks, i.e., limited purpose national associations which will be owned exclusively by--and provide services solely to--depository institutions. This final rule specifies the essential statutory and procedural requirements governing applications for bankers' banks. The rule will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
ANPRM	01/26/83	48 FR 03624
ANPRM Comment Period Begin	01/26/83	48 FR 03624
ANPRM Comment Period End	02/25/83	
Final Action	08/30/85	50 FR 35207
Final Action Effective	08/30/85	50 FR 35207

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Richard H. Cleva, Attorney, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: **Randall J. Miller,** Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization and Structure, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557-AA17

2125. BANK SERVICE CORPORATIONS

Legal Authority: 12 USC 1861 et seq

CFR Citation: 12 CFR 5.35

Abstract: The Bank Service Corporation Act was significantly amended by Section 709 of the Garn-St. Germain Depository Institutions Act of 1982, PL 97-320. Under the amended Act, a national bank may now invest up to 10% of paid-in and unimpaired capital and surplus in a bank service corporation. Prior approval of the appropriate federal regulator is necessary for a national bank to invest in a bank service corporation under certain conditions. This final rule codifies Office policy governing national banks desiring to invest in bank service corporations and sets forth the procedures for obtaining the required approval of the Office.

The rule will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39066
NPRM Comment Period Begin	10/03/84	49 FR 39066
NPRM Comment Period End	12/03/84	
Final Action	08/19/85	50 FR 33332
Final Action Effective	09/18/85	50 FR 33332

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Deborah M. Awai, Attorney, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: **Randall J. Miller,** Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization and Structure, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557-AA23

2126. BROKERAGE ACTIVITIES TO BE CONDUCTED IN AN OPERATING SUBSIDIARY

Legal Authority: 12 USC 1 et seq; 12 USC 24(7); 12 USC 92a; 12 USC 93a

CFR Citation: 12 CFR 5.52; 12 CFR 12.6(e)

Abstract: Rule proposal addresses circumstances under which the brokerage activities of national banks should be conducted in operating subsidiaries of such banks. Such arrangements would appear to provide this Office with a more efficient means of supervising and examining bank brokerage activities. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/17/84	49 FR 15089
NPRM Comment Period Begin	04/17/84	49 FR 15089
NPRM Comment Period End	06/01/84	
NPRM Comment Period Extended To 07/16/84	06/15/84	49 FR 24748
Final Action	06/00/85	
Final Action Effective	06/00/85	
Withdrawn	08/05/85	50 FR 31605

Small Entity: No

Agency Contact: **Linda Gottfried,** Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA34

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

2127. ● ORDERS, OPINIONS, ETC. AVAILABLE TO THE PUBLIC

Legal Authority: 12 USC 1 et seq; 5 USC 552

CFR Citation: 12 CFR 4.15

Abstract: The Office is amending its rule concerning Office procedures and public information to add staff no-objection positions to the list of publicly available documents. This final rule will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Final Action	09/13/85	50 FR 37345
Final Action Effective	09/15/85	50 FR 37345

Small Entity: No

Agency Contact: **Ford Barrett,** Assistant Director, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1177**

RIN: 1557-AA55

2128. ● CHARITABLE FOUNDATIONS AND CHARITABLE CONTRIBUTIONS

Legal Authority: 12 USC 1 et seq; 12 USC 93a

CFR Citation: 12 CFR 7.7445; 12 CFR 7.7479

Abstract: These interpretive rulings permit national banks to establish and contribute to charitable foundations as well as limit the amount which a national bank may contribute to charity. The Office is rescinding these rulings and clarifying that a national bank may establish Clifford trusts without seeking prior approval. This final rule is intended to eliminate unnecessary limitations on a national bank's charitable contributions. This final rule is expected to be beneficial rather than adverse, and small entities are expected to share the benefits of this rulemaking with larger institutions.

Timetable:

Action	Date	FR Cite
Final Action	05/08/85	50 FR 19324
Final Action Effective	06/07/85	50 FR 19324

Small Entity: No

Agency Contact: Ford Barrett, Assistant Director, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1177

RIN: 1557-AA56

[FR Doc. 85-21618 Filed 10-28-85; 8:45 am]

BILLING CODE 4810-33-T

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: U.S. Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Pub. L. 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Gertrude A. Bresnahan, Regulations Control Branch, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96-354, the "Regulatory Flexibility Act" (RFA) and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulation," require semiannual publication, in April and October of each year, of an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are under agency review. Customs agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the Code of Federal Regulations affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, the status of projects referred to in previously published agendas is shown.

The following is the tenth semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

General Statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional specific statutory authority is indicated as the legal authority for the project.

DATED: August 12, 1985.

Harvey B. Fox,

Acting Director, Office of Regulations and Rulings.

United States Customs Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2129	19 CFR 111 Customs Brokers	1515-AA04
2130	19 CFR 133 Copyright	1515-AA07
2131	19 CFR 142 Entry of Merchandise; Bonds	1515-AA09
2132	19 CFR 24.3a, (New) Accounting; Interest on Delinquent Accounts	1515-AA18
2133	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22
2134	19 CFR 18 Foreign Trade Zones	1515-AA30
2135	19 CFR 10.8-10.9 Waiver of Certificate of Registration for Articles Exported for Repairs, Alterations or Processing	1515-AA40
2136	19 CFR 18.8 Liquidated Damages Claims Against Bonded Carriers	1515-AA41

TREAS—CUSTOMS

United States Customs Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2137	19 CFR 158.2 Entry Summary Filing	1515-AA43
2138	19 CFR 162.32 Fines, Penalties, and Forfeiture Procedures	1515-AA44
2139	19 CFR 12.104-12.14h, (New) Implementation of Convention on Cultural Property	1515-AA45
2140	19 CFR 6 Air Commerce Regulations	1515-AA47

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2141	19 CFR 4 Entry and Clearance of Vessels	1515-AA23
2142	19 CFR 4 Passengers on Foreign Vessels	1515-AA31
2143	19 CFR 171.21 District Directors Authority Over Fines, Penalties and Liquidated Damages Cases	1515-AA42

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Current and Projected Rulemakings

2129. CUSTOMS BROKERS

Significance: Regulatory Program

Legal Authority: 19 USC 1641

CFR Citation: 19 CFR 111

Abstract: Amend Customs Regulations to clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. Customs has under consideration as part of project issue of extent to which brokers should be regulated. Work plan 79-5 approved.

Timetable:

Action	Date	FR Cite
NPRM	08/07/85	50 FR 31871
NPRM Comment Period Begin	08/07/85	
NPRM Comment Period End	11/05/85	
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: SMALL BUSINESSES CONT: Determination of RFA impact to be made concurrent with publication of NPRM.

Agency Contact: John P. Simpson, Director, Department of the Treasury, United States Customs Service, Office of Regulations and Rulings, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-2507**

RIN: 1515-AA04

2130. COPYRIGHT

Legal Authority: 17 USC 1603

CFR Citation: 19 CFR 133

Abstract: Amendments to Customs Regulations relating to recordation of copyrights with Customs, to implement provisions of Pub. L. 94-533, "Copyright Act of 1976." The project would reduce administrative costs to Customs and copyright applicants. Work plan 82-17 approved.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31245
NPRM Comment Period Begin	07/07/83	
NPRM Comment Period End	10/05/83	
In Treasury Review	11/13/84	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Samuel Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5765**

RIN: 1515-AA07

2131. ENTRY OF MERCHANDISE; BONDS

Legal Authority: 19 USC 1623

CFR Citation: 19 CFR 142

Abstract: Acceptance of formal entries with unsecured bonds for certain importations. The project would decrease costs to an importer of merchandise valued less than $1,000. Work plan 81-15 approved.

Timetable:

Action	Date	FR Cite
NPRM	12/21/83	48 FR 56401
NPRM Comment Period Begin	12/21/83	
NPRM Comment Period End	02/21/84	
In Treasury Review	07/08/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Herbert Geller, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5307**

RIN: 1515-AA09

2132. ACCOUNTING; INTEREST ON DELINQUENT ACCOUNTS

Legal Authority: 19 USC 197; 19 USC 198; 19 USC 1484; 19 USC 1500; 19 USC 1505; 19 USC 1623; 31 USC 483a

CFR Citation: 19 CFR 24.3a, (New); 19 CFR 113.4, (New)

Abstract: Establish interest charges for the last payment of supplemental duty bills (bills for additional duties ascertained upon liquidation), reimbursable services, and miscellaneous bills issued by Customs to organizations outside the Government. Provide incentive for prompt payment or reimbursement of interest costs resulting from Government borrowing. Work Plan 80-2 approved.

Timetable:

Action	Date	FR Cite
NPRM	03/10/83	48 FR 10077
NPRM Comment Period Begin	03/10/83	
NPRM Comment Period End	05/09/83	
Revised TD Under Development	08/07/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Robert B. Hamilton, Accountant, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-2596**

RIN: 1515-AA18

2133. CUSTOMS WAREHOUSES; DUTY-FREE STORES

Legal Authority: 19 USC 1556; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 19; 19 CFR 144

Abstract: Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as store operations in general. Work Plan 83-1 approved.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period Begin	07/21/83	
ANPRM Comment Period End	09/19/83	
Pending Congressional Action	00/00/00	

Small Entity: No

Agency Contact: John R. Holl, Operation Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5354**

RIN: 1515-AA22

2134. FOREIGN TRADE ZONES

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 1202; 19 USC 1623; 19 USC 1624; 31 USC 9701

CFR Citation: 19 CFR 18; 19 CFR 24; 19 CFR 112; 19 CFR 141; 19 CFR 144; 19 CFR 146; 19 CFR 191

Abstract: Amends Customs Regulations to incorporate new audit-inspection method of zone supervision by Customs, as well as to set forth revised general provisions applicable to the administration of zones.

Timetable:

Action	Date	FR Cite
NPRM	07/17/84	49 FR 28855
NPRM Comment Period Begin	07/17/84	
NPRM Comment Period End	10/15/84	
In Customs Review	06/11/85	
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: John Holl, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-8151**

RIN: 1515-AA30

2135. WAIVER OF CERTIFICATE OF REGISTRATION FOR ARTICLES EXPORTED FOR REPAIRS, ALTERATIONS OR PROCESSING

Legal Authority: 19 USC 66; 19 USC 197; 19 USC 198; 19 USC 1624; 19 USC 1641; 19 USC 1648

CFR Citation: 19 CFR 10.8-10.9

Abstract: Provides for waiver of the Certificate of Registration required for entry of articles exported for repair, alteration, or processing abroad, upon payment of duty on only the value of the work done abroad, when the importer satisfies Customs that exportation of the articles occurred.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35509
NPRM Comment Period Begin	09/10/84	
NPRM Comment Period End	11/09/84	
In Treasury Review	07/25/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Leo Wells, Operations Officer, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 4114, Washington, DC 20229, **202 566-2957**

RIN: 1515-AA40

2136. LIQUIDATED DAMAGES CLAIMS AGAINST BONDED CARRIERS

Legal Authority: 19 USC 66; 19 USC 1624; 49 USC 1509

CFR Citation: 19 CFR 18.8

Abstract: To assure uniform assessment of liquidated damages claims against carriers, as well as cartman, revises regulations relating to liability for shortages, irregular delivery, or nondelivery of imported merchandise.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1545
NPRM Comment Period Begin	01/11/85	
NPRM Comment Period End	03/12/85	
In Customs Review	07/25/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: William Rosoff, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2414, Washington, DC 20229, **202 566-5732**

RIN: 1515-AA41

2137. ENTRY SUMMARY FILING

Legal Authority: 19 USC 66; 19 USC 197; 19 USC 198; 19 USC 1624; 19 USC 1641; 19 USC 1648

CFR Citation: 19 CFR 158.2

Abstract: Allows importers to file entry summaries and pay duty for less than the invoiced and manifested number of packages in a permitted shipment, provided the importer submits both a discrepancy report and, in lieu of the carrier's declaration on the report (attesting to the shortage), copies of the dock receipt or other documents evidencing nonreceipt of the lost or missing packages.

Timetable:

Action	Date	FR Cite
NPRM	10/23/84	49 FR 42576
NPRM Comment Period Begin	10/23/84	
NPRM Comment Period End	12/24/84	
In Treasury Review	07/11/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Jerry C. Laderberg, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2417, Washington, DC 20229, **202 566-5765**

RIN: 1515-AA43

2138. FINES, PENALTIES, AND FORFEITURE PROCEDURES

Legal Authority: 19 USC 66; 19 USC 1603; 19 USC 1609; 19 USC 1610; 19 USC 1611; 19 USC 1612; 19 USC 1618; 19 USC 1624; 19 USC 1641; 19 USC 1705; 46 USC 7; 46 USC 320

CFR Citation: 19 CFR 162.32; 19 CFR 162.45; 19 CFR 162.46; 19 CFR 171.12; 19 CFR 171.33

Abstract: To implement provisions of the Trade and Tariff Act of 1984, revises the administrative petitioning process and the summary forfeiture process relating to the disposal of merchandise seized and forfeited for violations of the Customs laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/85	50 FR 26588
NPRM Comment Period Begin	06/27/85	
NPRM Comment Period End	08/26/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Jeremy Baskin, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2332, Washington, DC 20229, **202 566-5746**

RIN: 1515-AA44

2139. IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY

Legal Authority: 19 USC 66; 19 USC 1624; 19 USC 2612

CFR Citation: 19 CFR 12.104-12.14h, (New)

Abstract: Amends regulations to implement Convention on Cultural Property which prohibits illicit traffic in cultural property while allowing the exchange of national treasures for legitimate scientific, educational, and cultural purposes. Certification or other documentation must be presented to show that exportation was not in violation of laws of country from which article originates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/85	50 FR 26193
Interim final comment period closes	08/26/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Harrison Feese, Operations Officer, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 4114, Washington, DC 20229, **202 566-8652**

RIN: 1515-AA45

2140. ● AIR COMMERCE REGULATIONS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624; 19 USC 1644; 49 USC 1509

CFR Citation: 19 CFR 6

Abstract: Revises rules relating to the entry and clearance of aircraft and the transportation of persons and cargo by aircraft. Sets forth the general Customs requirements applicable to all air commerce.

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	50 FR 30455
NPRM Comment Period Begin	07/26/85	
NPRM Comment Period End	10/24/85	

Small Entity: No

Agency Contact: John A. Mathis, Attorney, Department of the Treasury, United States Customs Service, Room 2322, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-2957**

RIN: 1515-AA47

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Completed Actions

COMPLETED RULEMAKINGS

2141. ENTRY AND CLEARANCE OF VESSELS

Legal Authority: 19 USC 66; 19 USC 1624; 46 USC 2; 46 USC 3

CFR Citation: 19 CFR 4

Abstract: Amends Customs Regulations relating to the application of the entry and clearance requirements of the navigation laws to vessels engaged in the lightering of import and export cargo between the U.S. and vessels located beyond the territorial waters of the U.S.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/83	48 FR 46808
ANPRM Comment Period Begin	10/14/83	
ANPRM Comment Period End	12/13/83	
NPRM	10/03/84	49 FR 39072
NPRM Comment Period Begin	10/03/84	
NPRM Comment Period End	12/03/84	
TD Under Development	02/00/85	
Final Action TD 85-91	05/24/85	50 FR 21427
Final Action Effective	08/22/85	

Small Entity: No

Agency Contact: Edward B. Gable, Jr., Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5732**

RIN: 1515-AA23

2142. PASSENGERS ON FOREIGN VESSELS

Legal Authority: 19 USC 66; 19 USC 1624; 46 USC 2; 46 USC 3

CFR Citation: 19 CFR 4

Abstract: Amends Customs Regulations relating to transportation of passengers by a foreign vessel between ports or places in the U.S., either directly or by way of foreign port. It would provide that, with certain exceptions, such transportation is prohibited when passengers are actually embarked at one port or place in the U.S. and disembarked at another port or place in the U.S.

Timetable:

Action	Date	FR Cite
ANPRM	04/25/84	49 FR 17769
ANPRM Comment Period Begin	04/25/84	
ANPRM Comment Period End	06/25/84	
NPRM	01/09/85	50 FR 1060
NPRM Comment Period Begin	01/09/85	
NPRM Comment Period End	03/11/85	
Final Action TD 85-109	07/01/85	50 FR 26981
Final Action Effective	07/31/85	

Small Entity: Undetermined

Agency Contact: Edward B. Gable, Jr., Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5732**

RIN: 1515-AA31

2143. DISTRICT DIRECTORS AUTHORITY OVER FINES, PENALTIES AND LIQUIDATED DAMAGES CASES

Legal Authority: 19 USC 66; 19 USC 1618; 19 USC 1623; 19 USC 1624; 19 USC 1641; 46 USC 7; 46 USC 320

CFR Citation: 19 CFR 171.21; 19 CFR 171.33

Abstract: Increases the authority of district directors to act on petitions for relief in administrative cases involving penalties, forfeitures, or claims for liquidated damages, incurred for violations of the Customs or navigation laws or regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/17/84	49 FR 28883
NPRM Comment Period Begin	07/17/84	
NPRM Comment Period End	09/17/84	
Final Action	02/22/85	50 FR 7335
Final Action Effective	03/25/85	

Small Entity: No

Agency Contact: Jeremy Baskin, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2332, Washington, DC 20229, **202 566-5746**

RIN: 1515-AA42

[FR Doc. 85-21619 Filed 10-28-85; 8:45 am]

BILLING CODE 4820-02-T

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations determined as of July 31, 1985, that the Internal Revenue Service will be developing from July 31, 1985 through October 1, 1986. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Robert A. Bley, Executive Assistant to the Director, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR (202-566-3331), not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act and the Treasury Directive implementing that Act all require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in April of 1986.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service (I.R.S.) as of July 31, 1985, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, I.R.S. The following information is provided for each regulation project: The title; priority status; whether the regulation is currently under review; its effect, if any,

on small business; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under additional information there is provided the control number of the project within the Chief Counsel's Office, and the name and telephone numbers of the drafting and reviewing attorneys.

By direction of the Secretary of the Treasury.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Internal Revenue Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2144	26 USC 25 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
2145	26 USC 26 Limitation on Credits Based on Tax Liability	1545-AH58
2146	26 USC 38 General Business Credit and Carryforward and Carryback of Unused Business Credit	1545-AH57
2147	26 USC 44F Income Tax--Credit for Increasing Research Activities	1545-AA07
2148	26 USC 41 Income Tax--Employee Stock Ownership Plan Credit	1545-AD56
2149	26 USC 7805 Rules Relating to Various Sections Concerning Dependency and Family Status of Individuals Living Apart	1545-AH44
2150	26 USC 23 Income Tax--Joint Ownership of Energy Items & Renewable Energy Source Expenditures for Purposes of the Residential Energy Credit to Conform to Secs 201(a) & 202 of the ETC	1545-AA03
2151	26 USC 28 Credit for Clinical Testing Expenses for Certain Drugs for Rare Diseases or Conditions	1545-AF64
2152	26 USC 46 Synchronization of Interest	1545-AH69
2153	26 USC 46 Income Tax--Investment Credit for Cooperatives	1545-AA09
2154	26 USC 46 Income Tax--The Investment Credit for Qualified Progress Expenditures	1545-AA13
2155	26 USC 46(c)(8) Income Tax--At Risk Limitations on Investment Credit	1545-AA15
2156	26 USC 46(a) Income Tax--Changes Made by Secs 222(a) and 223(b) of the Crude Oil Windfall Profit Tax Act of 1980	1545-AA14
2157	26 USC 38 Income Tax--Tax Treatment of Mass Assets for Investment Credit Purposes	1545-AA10
2158	26 USC 47 Income Tax--Amendment of Recapture Rules	1545-AA18
2159	26 USC 47 Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06
2160	26 USC 48 Income Tax--Increase in Investment Tax Credit for Qualified Rehabilitation Expenditures	1545-AA12
2161	26 USC 48(l) Income Tax--Special Rules Added by Sec 223(c) of Crude Oil Windfall Profit Tax Act 1980, Relating to Reduction of Credit Where Property Is Financed by Subsidized ETC	1545-AA26
2162	26 USC 48(k) Income Tax--Definition of Films That Are "Topical or Otherwise Essentially Transitory in Nature"	1545-AA22
2163	26 USC 51 Income Tax--Adjustments to New Jobs Credit	1545-AA31
2164	26 USC 55 Income Tax--Alternative Minimum Tax	1545-AE80
2165	26 USC 56 Corporate Minimum Tax	1545-AI07
2166	26 USC 57 Income Tax-Minimum Tax. Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells	1545-AA34
2167	26 USC 56 Income Tax--Tax Benefit Rule for Minimum Tax	1545-AA33
2168	26 USC 61 Income Tax--Nonqualified Salary Reduction Agreements	1545-AA35
2169	26 USC 66 Income Tax--Treatment of Income of Certain Innocent Spouses in Community Property States	1545-AA37
2170	26 USC 72 Income Tax--Unisex Annuity Tables	1545-AA38
2171	26 USC 72 Income Tax--Clarification of the Income Tax Regulations with Respect to the Taxation of Distribution from Qualified Plans Providing Life Insurance Protection	1545-AD60
2172	26 USC 72(o) Income Tax--Certain Distributions, Contributions, ETC	1545-AD61
2173	26 USC 72 Loans Treated as Distributions	1545-AE41
2174	26 USC 72 Income Tax--Early Withdrawals from Deferred Annuities	1545-AF08
2175	26 USC 79 Income Tax--Group Term Life Insurance--Evidence of Insurability	1545-AA39
2176	26 USC 79(d) Nondiscrimination Requirements for Employer-Provided Group-Term Life Insurance	1545-AE89
2177	26 USC 83 Income Tax--To Make Certain Amendatory Changes to Rules Relating to Property Transferred in Connection with Performance of Services	1545-AA41
2178	26 USC 86 Regulations on Income Tax Under the Social Security Amendments Act of 1983 Relating to the Taxation of Social Security Benefits	1545-AG29
2179	26 USC 101(f) Income Tax--Flexible Premium Contracts	1545-AF28
2180	26 USC 103(b) Income Tax--Industrial Development Bonds for Vehicles Used for Mass Commuting	1545-AA43
2181	26 USC 103 Income Tax--To Amend the Regulations Under Sections 1.103-13 and 1.103-14 with Respect to the Calculations of "Overissuance" and "Cumulative Cash Flow Deficit"	1545-AA44
2182	26 USC 103 Income Tax--To Amend the Regulations Relating to the Treatment of Replacement Funds	1545-AA46
2183	26 USC 103 Income Tax--To Provide for the Tax Consequences of Refunding Industrial Development Bonds to the Issuer, Bond-Holder & Industrial User	1545-AA47
2184	26 USC 103(b)(4) Income Tax--Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
2185	26 USC 103(b) Income Tax--To Clarify the "Substantially All" Test	1545-AA50
2186	26 USC 103 Income Tax--To Clarify the "Public Use" and "Functionally Related" Requirements	1545-AA51
2187	26 USC 103(b)(6) Income Tax--To Clarify the Definition of the Term "Issue"	1545-AA54
2188	26 USC 103(b) Income Tax--To Define the Term "Principal User of a Facility"	1545-AA56
2189	26 USC 103(b)(6)(D) Income Tax--Increase in Limit on Small Issues of Industrial Development Bonds	1545-AA57

TREAS—IRS

Internal Revenue Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2190	26 USC 103(b) Income Tax--To Clarify the Definition of Property Which is a Pollution Control Facility	1545-AA58
2191	26 USC 103(b)(6) Income Tax--Manner of Electing $10 Million Limitation on Exempt Small Issues	1545-AA59
2192	26 USC 103 Income Tax--To Define the Term "Facility"	1545-AA60
2193	26 USC 103A Income Tax--Mortgage Subsidy Bonds	1545-AA63
2194	26 USC 103(b) Income Tax--To Clarify the Definition of Property That is a Solid Waste Disposal Facility & to Conform to Statutory Exemption for Industrial Development Bonds for Qualifi ETC	1545-AA64
2195	26 USC 103 To Provide Regulations Requiring Certain Debt Obligations To Be Issued in Registered Form	1545-AE18
2196	26 USC 103 To Provide Regulations Under Section 103(b)(10) Relating to Local District Heating and Cooling Facilities	1545-AE22
2197	26 USC 103 To Provide Regulations Under Section 103(k) and (l)-- Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
2198	26 USC 103 To Provide Regulations Under Section 103(b)(14)-- Relating to Limitation on Maturity of Industrial Development Bonds	1545-AE69
2199	26 USC 103(m) Interest Exempt Other than Under the Internal Revenue Code	1545-AF49
2200	26 USC 103 To Provide Regulations Under Section 103 (b) (6) (0) Relating to Restrictions on Financing Certain Facilities with Exempt Small Issues	1545-AF53
2201	26 USC 103(c) Arbitrage: Treatment of Issue Price and Administrative Costs	1545-AF75
2202	26 USC 103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
2203	26 USC 103 (b) (6) To Clarify Regulations Relating to Failure by Principal Users to Timely File Capital Expenditure Statements	1545-AH18
2204	26 USC (b) (15) Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
2205	26 USC 103 Temporary Regulations Relating to Federally Guaranteed Bonds	1545-AH20
2206	26 USC 103 (b) Income Tax Regulations--To Provide Regulations Under Section 103 (b) (16) and (17) Relating to Acquisition of Land and Existing Facilities	1545-AH45
2207	26 USC 103 (b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
2208	26 USC 103 (c) (6) Amendment of Regulations Relating to Arbitrage on Nonpurpose Obligations to Reflect Section 624 of TRA of 1984	1545-AH07
2209	26 USC 7805 To Revise the Arbitrage Regulations Relating to the Temporary Period for Refunding Issues	1545-AH89
2210	26 USC 103 (n) To Provide Regulations Under Section 103 (n) Relating to Carryforward Elections and Election to Allocate State Ceiling to Facilities for Local Furnishing of Electricity	1545-AG91
2211	26 USC 103 (n) To Provide Regulations Relating to the State Volume Cap on Private Activity Bonds	1545-AH62
2212	26 USC 7805 Denial of Tax Exemption for Consumer Loan Bonds	1545-AH97
2213	26 USC 7805 To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
2214	26 USC 103A To Provide Regulations Relating to Extension of Mortgage Subsidy Bonds	1545-AH66
2215	26 USC 104(a) Income Tax--Changes in Exclusion for Sick Pay & Certain Military, Etcetera, Disability Pensions; Certain Disability Income	1545-AA66
2216	26 USC 105(h) Income Tax Regulations Under the Revenue Act of 1978, Relating to Self-Insured Medical Expenses Reimbursement Plans	1545-AG34
2217	26 USC 108 Income Tax--Discharge of Indebtedness	1545-AA67
2218	26 USC 7805 Income Tax--Part 1--Income Tax Regulations Under Section 111 Relating to Inclusion of Tax Benefit Items	1545-AH17
2219	26 USC 116 Income Tax--Partial Exclusion of Dividends and Interest Received by Individuals	1545-AA69
2220	26 USC 117 (d) Qualified Tuition Regulations (Section 532 of the Tax Reform Act of 1984)	1545-AI13
2221	26 USC 118(b) Income Tax--Contributions in Aid of Construction for Certain Utilities	1545-AA71
2222	26 USC 120 Income Tax--Prepaid Legal Expenses	1545-AD62
2223	26 USC 125 Income Tax--Tax Treatment of Cafeteria Plans	1545-AD63
2224	26 USC 126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
2225	26 USC 129 Income Tax--Dependent Care Assistance Programs	1545-AD65
2226	26 USC 130 Income Tax--Part 1 Personal Injury Liability Assignments	1545-AF39
2227	Income Tax--Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
2228	Income Tax--Notice of Proposed Rulemaking Relating to the Exclusion from Gross Income of Certain Fringe Benefits	1545-AH56
2229	26 USC 132 Income Taxes, Employment Taxes, Excise Taxes--Taxation of Fringe Benefits	1545-AH73
2230	26 USC 132 Temporary Regulations Relating to the Exclusion from Gross Income of Certain Fringe Benefits	1545-AI03
2231	26 USC 133 Interest on ESOP Securities Acquisition Loans	1545-AG46
2232	26 USC 162 Income Tax--Empl. Tax--Deductibility of Certain Transportation Expenses	1545-AA76
2233	26 USC 162 Income Tax--To Add Provisions Relating to State Legislators' Travel Expenses	1545-AA78
2234	26 USC 162 Income Tax--To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
2235	26 USC 163(d) Income Tax--Limitation on Interest Deduction	1545-AA80
2236	26 USC 165 Sanctions on Issuers and Holders of Registration-Required Obligations Not in Registered Form	1545-AF63
2237	26 USC 165 Income Tax Regulations--Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
2238	26 USC 166(f) Income Tax--Deductions for Addition to a Reserve for Certain Guaranteed Debt Obligations	1545-AA81

TREAS—IRS

Internal Revenue Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2239	26 USC 168 Income Tax--Accelerated Cost Recovery System	1545-AA87
2240	26 USC 168(e)(3) Income Tax--Normalization Requirement for Public Utility Property	1545-AA88
2241	26 USC 168(f)(8) Income Tax--Relating to Terminal Rental Adjustment Clauses in Certain Motor Vehicle Leases	1545-AF32
2242	Finance Leases--Definition and Special Rules	1545-AF54
2243	26 USC 168 To Provide Regulations Under Section 168 Relating to Intangible Property	1545-AF78
2244	26 USC 168 Temporary Regulations Under the Tax Reform Act of 1984, Relating to Tax-Exempt Entity Leasing	1545-AG26
2245	26 USC 168 Tax-Exempt Entity Leasing	1545-AH76
2246	26 USC 169 Income Tax--Amortization of Certain Pollution Control Facilities	1545-AA89
2247	26 USC 170 Income Tax--Charitable Contributions of Scientific Property Used for Research	1545-AA90
2248	26 USC 170(f)(3) Income Tax--Estate & Gift Taxes--Transfers of Partial Interests in Property for Conservation Purposes--To Extend Certain Temporary Tax Provisions	1545-AA91
2249	26 USC 170 (a) (1) Deductions in Excess of $5,000 Claimed for Certain Charitable Contributions of Property and Information Reporting by Donees Who Make Certain Dispositions of Donated Property	1545-AG86
2250	26 USC 7805 Income Tax--to Provide Regulations Relating to Contributions to Private Foundations	1545-AI09
2251	26 USC 172 Income Tax--Net Operating Losses Attributable to Product Liability Losses	1545-AA93
2252	26 USC 172(b)(1)(E) Income Tax--Net Operating Losses for Certain Real Estate Investment Trusts	1545-AA94
2253	26 USC 179 Income Tax--Election to Expense Certain Depreciable Assets	1545-AA95
2254	26 USC 183 (e) (3) Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
2255	26 USC 189 Income Tax--Amortization of Real Property Construction Period Interest & Taxes	1545-AA97
2256	26 USC 195 Income Tax--To Add Provisions Relating to Start-Up Expenditures	1545-AB02
2257	26 USC 213 Medical Deduction for Lodging Away from Home	1545-AH21
2258	26 USC 219 Income Tax--Estate Tax--Gift Tax--Procedure and Administration--Retirement Savings	1545-AD66
2259	26 USC 62 Income Tax--Gift Tax--Employment Taxes--Retirement Income Plan Excise Taxes--Procedure and Administration--Spousal Individual Retirement Accounts Simplified Employee ETC	1545-AD59
2260	26 USC 246 (c) Income Tax-Notice of Proposed Rulemaking-Holdings Periods for Dividends Received Deductions	1545-AH40
2261	26 USC 246A Income Tax-Debt-Financed Portfolio Stock	1545-AH39
2262	26 USC 263 Income Tax--Prepublication Expenditures of Publishers	1545-AA36
2263	26 USC 263 (h) Income Tax - Notice of Proposed Rulemaking - Payments in Lieu of Dividends in Connection with Short Sales, Section 263 (h) of the Internal Revenue Code and Section 56 (a) of the TRA 1984	1545-AH37
2264	26 USC 266 Income Tax--Taxes and Carrying Charges Chargeable to Capital Account and Treated as Capital Items	1545-AB03
2265	26 USC 267 Regulations Under Section 267 IRC to Reflect Section 174 of the Tax Reform Act of 1984 Relating to Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AG11
2266	26 USC 269A Income Tax--Personal Service Corporations	1545-AF11
2267	26 USC 274(h) Income Tax--To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
2268	26 USC 274(a) Income Tax--Disallowance of Certain Entertainment Expenses--To Conform to Section 361, Revenue Act of 1978	1545-AB05
2269	26 USC 274(b) Income Tax--Deductibility of Gifts by Employers	1545-AB06
2270	26 USC 132 Withdrawal of Temporary Regulations under Section 274 Relating to Contemporaneous Recordkeeping with Respect to Certain Passenger Automobiles and Certain Other Listed Property	1545-AH81
2271	26 USC 277 Income Tax--Taxation of Nonexempt Membership Organizations	1545-AB07
2272	26 USC 280 Income Tax--Amortization of Production Cost of Motion Pictures, Books, Records, and Other Similar Property	1545-AB08
2273	26 USC 280A Income Tax--Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
2274	26 USC 280F Limitations on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles and Certain Other Property	1545-AG99
2275	26 USC 280G Notice of Proposed Rulemaking Relating to Restrictions on Golden Parachute Payments	1545-AH49
2276	26 USC 291 Income Tax--Special Rules Relating to Corporate Preference Items	1545-AE78
2277	26 USC 302(c)(2) Waiver of Family Attribution by Entities	1545-AF13
2278	26 USC 303 Income Tax--Distribution in Redemption of Stock to Pay Death Taxes	1545-AB13
2279	26 USC 305 Income Tax--To Clarify Meaning of Term "Reasonable Redemption Premium"	1545-AB15
2280	26 USC 305 Income Tax--Dividend Reinvestment in Stock of Public Utilities	1545-AB14
2281	26 USC 312 Income Tax - Amendments to Statutory Provisions Relating to Earnings and Profits	1545-AG30
2282	26 USC 302 Income Tax--Miscellaneous Corporate Amendments	1545-AB12
2283	26 USC 337 Income Tax--Simultaneous Liquidation of a Parent and Subsidiary	1545-AB18
2284	26 USC 338 Income Tax-Elections Under Section 338, as Added by Section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 as Amended by the Technical Corrections Act of 1982	1545-AF38
2285	26 USC 338 Regulations Under Section 338 (h) (10) as Added to the Code by Section 306 of the Technical Corrections Act of 1982, Relating to Special Elective Recognition of Gain or Loss	1545-AF93
2286	26 USC 338 Income Tax--Application of Section 338 to Stock and Asset Acquisitions in the International Context	1545-AG13

Internal Revenue Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2287	26 USC 338 Temporary Regulations--Application of Section 338 to Stock and Asset Acquisitions in the International Context	1545-AH87
2288	26 USC 338 Questions and Answers Relating to Domestic Matters under Section 338 of the Internal Revenue Code of 1954 - Cross Reference to the Temporary Regulations	1545-AH88
2289	26 USC 338 Deemed Sale Price When Certain Stock Purchases Are Treated as Asset Acquisitions	1545-AF29
2290	26 USC 338 Income Tax--Regulations Under Section 338 (a)	1545-AE60
2291	26 USC 341 (d) Amendment of the Income Tax Regulations Under Section 341, Relating to Collapsible Corporations, to Reflect the Tax Reform Act of 1984	1545-AG33
2292	26 USC 346(b) Income Tax--Corporate Distributions of Appreciated Property and Partial Liquidations	1545-AF16
2293	26 USC 355 Income Tax--Distribution of Stock and Securities of a Controlled Corporation	1545-AB20
2294	26 USC 368 Income Tax--Triangular Reorganizations, Basis and Other Consequences	1545-AB21
2295	26 USC 367 Amendment of the Income Tax Regulations Under Section 367 of the Code (Transfers to Foreign Corporations) to Reflect Section 131 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AG68
2296	26 USC 367(b) Income Tax--Treatment of Exchanges Described in Section 367 (b)	1545-AB26
2297	26 USC 368(a)(2)(E) Income Tax--Acquisition of a Corporation by Merger of a Corporation Controlled by the Acquiring Corporation	1545-AB30
2298	26 USC 368(a)(2)(F) Income Tax--Exchange Funds	1545-AB31
2299	26 USC 368 Income Tax--Corporate Reorganization Amendments	1545-AB29
2300	26 USC 368 Income Tax--Temporary Regulations--Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB28
2301	26 USC 401 Defined Benefit Plan Terminations and the Reversion of Assets	1545-AF81
2302	26 USC 7805 Notice, Election, and Consent Rules under the Retirement Equity Act of 1984	1545-AH80
2303	26 USC 401(a)(2) Income Tax--Refund of Mistaken Contributions	1545-AD68
2304	26 USC 401(a)(9) Income Tax--Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
2305	26 USC 72 Various Pension Parity, etc. Provisions Under the Tax Equity and Fiscal Responsibility Act of 1982 and the Economic Recovery Tax Act of 1981	1545-AE84
2306	26 USC 401(k) Income Tax--Certain Cash or Deferred Arrangements	1545-AD72
2307	26 USC 401(l) Nondiscriminatory Coordination of Defined Contribution Plans with Old Age, Survivors, and Disability Insurance	1545-AE93
2308	26 USC 402(a)(2) Income Tax--Treatment of Certain Lump Sum Distributions	1545-AD73
2309	26 USC 402(a)(5) Income Tax--Tax-Free Rollovers of Lump Sum Distributions and Plan Termination Payments. Lump Sum Distributions Made with Respect to a Decedent	1545-AD74
2310	Retirement Arrangements of Churches	1545-AE25
2311	26 USC 403(b)(7) Income Tax--Taxability of Beneficiary Under Annuity Purchase by Sec. 501(c) Organization or Public School	1545-AD75
2312	Procedure and Administration Regulations Under the Tax Reform Act of 1984 Relating to Dividends from ESOP's	1545-AG65
2313	26 USC 404(a)(1) Income Tax--Deduction Limitations and Funding Rules for Valuing Certain Agreements	1545-AD76
2314	26 USC 404(a)(9) Income Tax--Employee Stock Ownership Plan Loan Payments	1545-AD77
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2368	26 USC 468A Income Tax Regulations--Special Rules Relating to Nuclear Decommissioning Costs	1545-AI01
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2406	26 USC 817 Temporary Income Tax Regulations- Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG78
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2411	26 USC 861(a)(7) Income Tax--Source of Income of Underwriting Income	1545-AB89
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2418	26 USC 871 Temporary Income Tax Regulations under Sections 163 Relating to Registration-Required Obligations and under Sections 871 and 881 Relating to the Partial Repeal of 30 Percent Withholding	1545-AH90
2419	26 USC 892 Income Tax--Rules for Determining Whether Loans or Net Leases Are Commercial Activities	1545-AB94
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2422	26 USC 902 Income Tax--To Clarify Rules for Determining Earnings & Profits of a Foreign Corporation & Amount of Creditable Foreign Taxes	1545-AC02
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2426	26 USC 905(c) Income Tax--Temporary Regulations--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
2427	26 USC 907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34
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2429	26 USC 924 (d) (4) Income Tax Regulations Relating to Foreign Management and Foreign Economic Processes Requirements of a Foreign Sales Corporation	1545-AH10
2430	26 USC 936 Amendment of Regulations Under Sections 934 and 936 to Conform to Changes Made by Section 213 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AF21
2431	26 USC 936(d)(2) Income Tax--Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
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2436	26 USC 4978 Stock Sales, Etc, to and by ESOP's, Etc	1545-AG21
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2445	26 USC 1253 Income Tax--To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names	1545-AC34
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2447	26 USC 483 Income Tax--Temporary Regulations Under Section 1274 and 483 Relating to Deferred Payments Under the Tax Reform Act of 1984	1545-AG59
2448	26 USC 1275 Regulations Under Section 1271 Through 1275 Relating to Tax Treatment of Debt Instruments Having Original Issue Discount	1545-AH46
2449	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount	1545-AH82
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2451	26 USC 1361 Income Tax--Treatment of Obligations Which Purport to Represent Debt as a Second Class of Stock	1545-AC37
2452	26 USC 1361 Income Tax--Definition of S Corporation	1545-AE86
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2454	26 USC 1366 Income Tax--Pass-Thru of S Corporation Items to Shareholders	1545-AE85
2455	26 USC 1367 Income Tax--Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporation and to Determination of Basis of Property Distribution by Corporation	1545-AE88
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2459	Amendment of Income Tax Regulations Under Sections 1374 and 1375 Relating to the Imposition of Tax on Capital Gains and Passive Investment Income	1545-AE92
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2461	26 USC 1361 Income Tax--Certain Elections Under the Subchapter S Revision Act of 1982	1545-AF30
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2465	26 USC 1445 Income Tax: Withholding Upon Dispositions of U.S. Real Property Interest by Foreign Persons	1545-AG70
2466	26 USC 1502 26 CFR Part I--Amendment of the Income Tax Regulations Under Section 1502 of the Code to Reflect Section 224 of Tax Equity and Fiscal Responsibility Act of 1982	1545-AF41
2467	26 USC 1502 Amendment of Consolidated Returns Regulations Relating to Life-Life Consolidations	1545-AF67
2468	26 USC 1502 Amendment of Section 1.1502-14 to Modify Treatment of Stock Redemptions and Nondividend Distributions in Excess of Basis	1545-AG35
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2475	26 USC 6695 Income Tax -- Amendment of Regulations Under Section 1504 (a) of the Code, as Amended by Section 60 of the Tax Reform Act of 1984, Defining "Affiliated Group"	1545-AH09
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2477	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60

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2480	26 USC 2036(a) Estate & Gift Taxes--Inclusion of Stock in Estate Where Decedent Retained Voting Rights	1545-AC63
2481	26 USC 2055 Permanent Rules for Reforming Governing Instruments Creating Charitable Remainder Trusts and Other Charitable Interests	1545-AI14
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2483	26 USC 2210 Assumption of Estate Tax Liability by ESOP's	1545-AG38
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2485	26 USC 2518 Estate & Gift Taxes--Disclaimers	1545-AC71
2486	26 USC 2621 Estate & Gift Tax--Generation-Skipping Transfers Tax Return Requirement, ETC	1545-AC74
2487	26 USC 3121(t) Empl. Tax--Social Security Tax on Employers of Individuals who Receive Income from Tips	1545-AC76
2488	26 USC 3121 Employment Tax--To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
2489	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
2490	26 USC 3121 (w) Elections by Churches and Qualified Church-Controlled Organizations to Exclude Service Performed in Their Employ from Employment	1545-AH63
2491	26 USC 7805 Amend the Regulations to Clarify the Trucking Exception to the Definition of "Employee" for Purpose of the RRTA	1545-AG74
2492	Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97
2493	Employment Tax--Withholding from Pensions, Annuities, and Other Deferred Income	1545-AE98
2494	26 USC 3406 To Provide Regulations Relating to Backup Withholding Under Section 3406	1545-AE20
2495	26 USC 3406 To Provide Temporary Regulations Relating to Backup Withholding Where the Service Notifies Payor to Withhold Due to an Incorrect Taxpayer Identification Number	1545-AF90
2496	26 USC 3406(i) Regulations on Backup Withholding in Case of a Notified Payee Underreporting	1545-AH83
2497	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes--Reporting Requirements with Respect to Direct Sellers	1545-AE62
2498	31 USC 3720A Temporary Procedure and Administration Regulations under the Spending Reduction Act of 1984 Relating to the Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Etc	1545-AI00
2499	26 USC 4041 Excise Tax--Applicable to Articles Sold on and After 1964	1545-AC85
2500	26 USC 4051 Excise Tax--Retailers Excise Taxes on Motor Vehicles	1545-AF61
2501	26 USC 4051 Temporary Regulation Excise Taxes on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors Sold at Retail	1545-AF79
2502	26 USC 4051 Excise Tax--Part 145--Temp.--Definition of First Retail Sale Relating to Tax on Trucks Sold at Retail	1545-AI11
2503	26 USC 4061 Excise Tax--Manufacturers Excise Taxes on Motor Vehicles	1545-AC86
2504	26 USC 4071(a)(1) Manuf. & Ret. Excise Tax--Refund for Certain Uses of Tread Rubber & Adjustments Pursuant to Warranty; Misc. Excise Taxes --Tax on Policies of Insurance Issued by Foreign Insurers	1545-AC88
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2506	26 USC 4041 Manufacturers and Retailers Excise Taxes--Taxes on Fuels, Tires and Gasoline	1545-AF58
2507	26 USC 4162 Regulations Relating to the Tax on Sale of Sport Fishing Equipment, Etc	1545-AH95
2508	26 USC 4611 Excise Tax--Environmental Taxes--Imposition of Taxes on Petroleum and Certain Chemicals	1545-AC91
2509	26 USC 4681 Excise Tax--Environmental Taxes--Imposition of Tax on Hazardous Wastes	1545-AC92
2510	26 USC 4701 Excise Tax--Tax on Issuer of Registration-Required Obligation Not in Registered Form	1545-AF31
2511	26 USC 501(h) Income Tax--Lobbying by Public Charities	1545-AE02
2512	26 USC 4943 Foundation Excise Tax-Excess Business Holdings	1545-AG49
2513	26 USC 4941 Foundation Excise Tax--Procedure and Administration--Revision of Second Tier Excise Tax Provisions, etc. Under Chapters 42 and 43	1545-AE09
2514	26 USC 4962 Income Tax--Excise Tax--Procedure and Administration--Various Private Foundation Provisions	1545-AG18
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2516	26 USC 4997 Excise Tax--Definition of Newly Discovered Oil	1545-AC96
2517	26 USC 4991 Excise Tax--With Respect to the Definition of Taxable Crude Oil	1545-AD00
2518	26 USC 4986 to 4998 Excise Tax--Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
2519	26 USC 4993 Excise Tax--Incremental Tertiary Oil	1545-AD04
2520	26 USC 4994 Excise Tax--Exemptions for Qualified Governmental Interests, Qualified Charitable Interests (Including Residential Child Care Agencies), Indian Oil, Alaskan ETC	1545-AD05
2521	26 USC 4991 Excise Tax--Oil From a Stripper Well Property	1545-AD01
2522	26 USC 4996 Excise Tax--Definition of Oil Removed from the Premises	1545-AC95
2523	26 USC 4996 Excise Tax--Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
2524	26 USC 4996 Excise Tax--Amendment of Sec 51.4996-1(b) With Respect to the Treatment of Net Profits Interests for Windfall Profits Tax Purposes	1545-AD09
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2526	26 USC 6012 Form of Individual Tax Return	1545-AF24

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2529	26 USC 6037 Proposed Regulations Under Section 6037 Relating to Information Required to Be Furnished to Shareholders to S Corporations	1545-AH48
2530	26 USC 6045 Information Returns of Brokers	1545-AG02
2531	26 USC 6045 Information Returns of Brokers	1545-AG52
2532	26 USC 6046A Income Tax--Regulations Relating to Returns as to Interests in Foreign Partnerships	1545-AE47
2533	26 USC 6050E Reporting of State and Local Income Tax Refunds	1545-AE76
2534	26 USC 6050J Notice of Proposed Rulemaking Relating to Reporting of Transfers of Security to a Person Other than the Lender Under the Tax Reform Act of 1984	1545-AG51
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2536	26 USC 6050H Income Tax--Mortgage Interest Reporting	1545-AH27
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2538	26 USC 6050J Notice of Proposed Rulemaking Relating to Reporting of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
2539	26 USC 6050K Returns Relating to Sales or Exchanges of Certain Partnership Interests	1545-AH42
2540	PL 98-369, Sec 1072 (b) Employee Tip Reporting and Recordkeeping Requirements	1545-AH24
2541	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
2542	26 USC 6111 Procedure and Administration Regulations Relating to Tax Shelter Registration and the Requirement to Maintain Lists of Investors	1545-AH29
2543	26 USC 6111 Proposed Regulations Relating to Tax Shelter Registration	1545-AI04
2544	26 USC 6111 Temporary Regulations Relating to Tax Shelter Registration	1545-AI10
2545	26 USC 6112 Requirement to Maintain Lists of Investors in Potentially Abusive Tax Shelters	1545-AG58
2546	26 USC 6166 Estate Tax--Procedure and Administration--Deferral and Installment Payment of Estate Tax	1545-AD23
2547	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
2548	Statement of Procedural Rules to Provide Procedures for Partnership-Level Proceedings with Respect to Partnership Items	1545-AI08
2549	26 USC 6231(a)(7) Designation of Tax Matters Partner for Purposes of Determining the Tax Treatment of Partnership Items	1545-AE53
2550	26 USC 6231(a)(3) Definition of "Partnership Item"	1545-AF09
2551	26 USC 6231 (c)(3) Special Rules for Certain Refund Claims Treated as Special Enforcement Areas Under Rules for Consolidated Partnership Proceedings	1545-AH00
2552	26 USC 6232 Proposed Regulations of Section 6232, Relating to the Applicability of Partnership Audit Rules to the Windfall Profit Tax	1545-AG54
2553	26 USC 7805 Extension of Partnership Audit Provisions	1545-AI05
2554	26 USC 6241 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
2555	26 USC 6325 Procedure and Administration--Release of Liens, Notice Before Levy, Property Exempt from Levy Redemption of Levied Real Property and Amount of Damages in Case of Wrongful Levy	1545-AE82
2556	Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency	1545-AG95
2557	26 USC 6411 Income Tax--Tentative Refund of Tax Under Claim of Right Adjustment	1545-AD30
2558	26 USC 6001 to 6427 Excise Tax--Sporting Goods and Firearms & Administration Provisions of Special Application to Manufacturers & Retailers Excise Tax	1545-AD12
2559	26 USC 6611 Modification of Interest Payments for Certain Periods	1545-AF10
2560	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75
2561	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
2562	26 USC 6659 Procedure & Administration--Addition to Tax in the Case of Valuation Overstatements, & Increase in the Negligence Penalty	1545-AD39
2563	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99
2564	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01
2565	Amendment of the Income Tax Regulations Under Section 6815(d) Dealing with Certificates of Compliance with the Income Tax Laws Issued to Aliens Departing the United States	1545-AF80
2566	26 USC 6867 Income Tax--Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
2567	26 USC 7805 Amendment of Regulations to Permit Disclosure of Tax Return Information between Franchisees who Jointly Operate a Tax Service	1545-AH91
2568	26 USC 7502 Procedure and Administration--Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42
2569	26 USC 7609 Administrative Summonses	1545-AF33
2570	26 USC 7611 Procedure and Administration--Restrictions on Church Tax Inquiries and Examinations	1545-AI12

TREAS—IRS

Internal Revenue Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2571	26 USC 38(b) Income Tax--Investment Credit in Case of Property Used by Tax Exempt Organizations & Governmental Units; Practice & Procedure--Def. of Service Contracts & Other Arrangements	1545-AA23
2572	26 USC 7805 Amendments of the Regulations on Procedure and Administration Under Section 7701 Relating to Classification of Certain Investment Arrangements	1545-AG20
2573	26 USC 7701(b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AH13
2574	26 USC 7805 Proposed Regulations Under the Tax Reform Act of 1984, Relating to the Definition of Fair Market Value of Property for Purposes of Determining Gain or Loss	1545-AG94
2575	Temporary Regulations on Effective Dates and Other Questions Arising Under the Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AG41
2576	26 USC 7701 Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
2577	26 USC 7872 Temporary Income Tax Regulations Under the Tax Return Act of 1984, Relating to Below-Market Loans	1545-AG82
2578	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans	1545-AH72
2579	46 USC 1177 Income Tax--Maritime Capital Construction Fund	1545-AD46
2580	Statement of Procedural Rules--Amendments to Statement of Procedural Rules--1981-1	1545-AD55
2581	Statement of Procedural Rules--Special Amendment	1545-AF68
2582	42 USC 664 Proposed Amendments to the Procedure and Administration Regulations under the Child Support Enforcement Amendments of 1984 Relating to the Reduction of Tax Overpayments by Amounts Etc	1545-AH99

Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2583	26 USC 25 To Provide Temporary Regulations Relating to Mortgage Credit Certificates	1545-AG90
2584	26 USC 46 Income Tax--Investment Credit for Commuter Highway Vehicles	1545-AA08
2585	26 USC 48 Income Tax--Investment Credit for Rehabilitated Structures	1545-AA21
2586	26 USC 48 (l) (16) Amendment of the Income Tax Regulations Under Section 48 (l) (16), Relating to the Energy Investment Credit for Qualified Intercity Buses That Are Leased	1545-AG31
2587	26 USC 103 Income Tax--To Provide "Timing" Requirements for Exempt Small Issues	1545-AA52
2588	26 USC 103A To Provide Regulations Under Section 103A Relating to Mortgage Subsidy Bonds for Cooperative Housing Corporations	1545-AF36
2589	26 USC 117(c) Income Tax--Relating to Federal Grant Not Includable in Gross Income in Certain Cases	1545-AA70
2590	26 USC 219(f)(3) Income Tax--Various Pension, etc. Provisions	1545-AG62
2591	26 USC 7805 Temporary Regulations--Questions and Answers on Miscellaneous Matters Under Section 338 of the Internal Revenue Code	1545-AG25
2592	PL 98-397, Sec 303(e)(4) Temporary Regulations on Effective Dates and Other Issues Arising Under the Retirement Equity Act of 1984	1545-AH04
2593	26 USC 401(a)(5) Income Tax--Comparability of Plans for Vesting	1545-AD69
2594	26 USC 7805 Temporary Regulations on Restrictions on Cash-Outs Under the Retirement Equity Act of 1984	1545-AH02
2595	26 USC 412(c)(3) Income Tax--Term, Etc. Funding for Ancillary Benefits	1545-AD86
2596	26 USC 414(f) Income Tax--Definition of Multiemployer Plan	1545-AD89
2597	26 USC 461(h) Temporary Income Tax Regulations--Effective Dates Relating to the Economic Performance Requirement	1545-AH28
2598	26 USC 466 Income Tax--Qualified Discount Coupons Returned After Close of Taxable Year	1545-AB53
2599	26 USC 471 Income Tax--Inventories at Cost or Market, Whichever is Lower	1545-AB54
2600	26 USC 482 Income Tax--Allocation of Income & Deductions Among Taxpayers to Revise Percentage Applied in Determining Rental Charge for Use of Tangible Property	1545-AB57
2601	26 USC 527 Income Tax--Relationship Between Section 527 and the Federal Election Campaign Act	1545-AE06
2602	26 USC 731 Income Tax--Amendment of Sec 1.731-1(c) to Clarify the Tax Treatment of a Distribution of Property by a Partnership to a Partner Who Had Recently Contributed Other Property	1545-AB84
2603	26 USC 897 Income Tax--Taxation of Foreign Investment in U.S. Real Property and Information Returns Concerning Foreign Ownership of U.S. Real Property	1545-AB99
2604	26 USC 1275 Original Issue Discount Reporting Requirements	1545-AG50
2605	26 USC 4064 Excise Tax--Gas Guzzler Tax	1545-AC87
2606	26 USC 4481 Heavy Vehicle Use Tax and Tax on Diesel Fuel	1545-AF62
2607	26 USC 4994(c) Excise Tax--Exempt Front-End Oil Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD06
2608	26 USC 6015 Conform Regulations Under Sections 6015, 6154, 6654 and 6655 to Section 201(j) of the Technical Corrections Act of 1982	1545-AF66
2609	26 USC 6033 Income Tax--Procedure & Administration--Return and Reporting Requirements	1545-AE14

TREAS—IRS

Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2610	26 USC 6035 Income Tax-To Amend Regulations Under Internal Revenue Code Sections 6035 and 6679 Relating to Returns of Foreign Personal Holding Companies	1545-AE29
2611	26 USC 6038 Income Tax--Information Returns Required of Certain Foreign-Owned Corporations; Foreign Corporation Reporting Requirements and Penalties	1545-AE43
2612	26 USC 6041 Return of Information as to Payments of $600 or More	1545-AF37
2613	26 USC 6045 Furnishing Statements Required with Respect to Certain Substitute Payments	1545-AG15
2614	26 USC 6050D Notice of Proposed Rulemaking-Information Returns with Respect to Subsidized Energy Financing or Grants	1545-AG01
2615	26 USC 6050I Temporary Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Cash in Excess of $10,000 Received in a Trade or Business	1545-AG96
2616	26 USC 6104(b) Public Inspection of Exempt Organization Returns	1545-AE16
2617	26 USC 6111 Temporary Regulations Relating to Tax Shelter Registration	1545-AH30
2618	26 USC 6602 Regulations on Procedure and Admin	1545-AG42
2619	26 USC 6652 Income Tax--Penalties for Failure to Make Returns or Furnish Statements (As Amended by Sec. 1123 of Subtitle C of Title II--Omnibus Reconciliation Act of 1980)	1545-AD35
2620	26 USC 6661 Income Tax--Addition to Tax for a Substantial Understatement of Liability	1545-AF05
2621	26 USC 6695 Income Tax--Amendment of Return Preparer Regulations	1545-AH38
2622	26 USC 7611 Procedure and Administration--Restrictions on Church Tax Inquiries and Examinations	1545-AG61
2623	26 USC 7805 Procedure and Administration Part 602--To Provide Regulations Relating to the Display of Control Number Assigned by OMB	1545-AF94
2624	26 USC 7805 Substantiation with Respect to Certain Means of Transportation for Taxable Years Beginning after 1984; Taxation of Fringe Benefits	1545-AH94
2625	26 USC 419A Treatment of Funded Welfare Benefit Plans (Temporary Regulation)	1545-AH79
2626	26 USC 465 Temporary Regulations--Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AH92
2627	26 USC 467 (h) Income Tax-Temporary Regulations--Alternate Method for Determining the Applicable Federal Rate with Respect to Certain Debt Instruments Issued for Property	1545-AH78
2628	26 USC 7805 Employee Tip Reporting and Substantiation Requirements (Temporary Regulations)	1545-AH77
2629	26 USC 7216 Amendment of Regulations to Permit Disclosure of Tax Return Information by a Franchisee Tax Return Preparer to its Franchisor	1545-AH93

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Current and Projected Rulemakings

2144. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 25 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.25-1 to 1.25-8T; 26 CFR 1.6709-1

Abstract: The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19383
NPRM Comment Period Begin	05/08/85	50 FR 19383
NPRM Comment Period End	07/08/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-245-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH06

2145. LIMITATION ON CREDITS BASED ON TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 26 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide for the grouping of tax credits and credit limitation based on tax liability. The current regulations concerning credits will be renumbered to conform to amendments made by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/15/86	

Small Entity: Not Applicable

Additional Information: LR-290-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH58

2146. GENERAL BUSINESS CREDIT AND CARRYFORWARD AND CARRYBACK OF UNUSED BUSINESS CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38 Internal Revenue Code of 1954; 26 USC 39 Internal Revenue Code of 1954; 26 USC 196 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the general business credit established in the Tax Reform Act of 1984. These regulations will also provide rules for the carryback and carryforward of unused business credits. The regulations will define the general business credit, set forth limitations on the amount of credit allowed for the taxable year and set forth treatment of credit amounts in excess of the limitation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-300-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH57

2147. INCOME TAX--CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide the extent to which taxpayers will be entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
NPRM	01/21/83	
NPRM Comment Period Begin	01/21/83	
NPRM Comment Period End	03/19/83	
Hearing	04/19/83	
Final Action	02/28/86	

Small Entity: Not Applicable

Additional Information: LR-236-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA07

2148. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 41 Internal Revenue Code of 1954; 26 USC 404(i) Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide guidance for electing the employee stock ownership credit based on contributions to a tax credit employee stock ownership plan. The maximum credit is determined as a percentage of aggregate compensation of employees under the plan which cannot exceed 0.5.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-151-81.

Drafting attorney: John C. Khil (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD56

2149. RULES RELATING TO VARIOUS SECTIONS CONCERNING DEPENDENCY AND FAMILY STATUS OF INDIVIDUALS LIVING APART

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation will clarify the treatment of a dependent of both parents for medical expense deduction and provide consistent rules among various inter-related sections concerning the family status of individuals living apart.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-238-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH44

2150. INCOME TAX--JOINT OWNERSHIP OF ENERGY ITEMS & RENEWABLE ENERGY SOURCE EXPENDITURES FOR PURPOSES OF THE RESIDENTIAL ENERGY CREDIT TO CONFORM TO SECS 201(A) & 202 OF THE ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 23 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide the public with guidance to comply with changes made to section 44C by the Energy Tax Act of 1978 and the Windfall Profit Tax Act of 1980 relating to defining passive and active solar system, subsidized energy

financing and other terms pertaining to the residential energy credit.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-73-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA03

2151. CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 28 Internal Revenue Code of 1954; 26 USC 280C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will amend the Income Tax Regulations in order to conform the regulations to sections 28 and 280C of the Internal Revenue Code of 1954, relating to the credit for clinical testing expenses for rare diseases or conditions. The regulations will provide the public with the guidance needed to comply with the law and will affect taxpayers seeking to obtain the credit.

Timetable:

Action	Date	FR Cite
NPRM	04/23/85	50 FR 15930
NPRM Comment Period Begin	04/23/85	50 FR 15930
NPRM Comment Period End	06/24/85	
Final Action	02/15/86	

Small Entity: Not Applicable

Additional Information: LR-55-83.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel reviewing attorney: Fairlea Sheehy.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF64

2152. SYNCHRONIZATION OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide rules relating to the synchronization of interest.

Timetable:

Action	Date	FR Cite
NPRM	06/26/85	50 FR 123
NPRM Comment Period Begin	06/26/85	50 FR 123
NPRM Comment Period End	07/26/85	
Final Action	10/00/85	

Small Entity: Undetermined

Additional Information: LR-227-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH69

2153. INCOME TAX--INVESTMENT CREDIT FOR COOPERATIVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; PL 95-600, Sec 316

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance with respect to the investment tax credit for cooperatives and their patrons.

Timetable:

Action	Date	FR Cite
NPRM	12/27/83	48 FR 56965
NPRM Comment Period Begin	12/27/83	48 FR 56965
NPRM Comment Period End	02/27/84	
Final Action	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-4-78.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Sharon Galm (202) 566-9050.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AA09

2154. INCOME TAX--THE INVESTMENT CREDIT FOR QUALIFIED PROGRESS EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations add a new section to provide rules for claiming the investment credit for qualified progress expenditures.

Timetable:

Action	Date	FR Cite
NPRM	01/30/79	44 FR 05910
NPRM Comment Period Begin	01/30/79	44 FR 05910
NPRM Comment Period End	04/01/79	
Hearing	06/27/79	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-73-75.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Mason.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AA13

2155. INCOME TAX--AT RISK LIMITATIONS ON INVESTMENT CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(c)(8) Internal Revenue Code of 1954; 26 USC 46(c)(9) Internal Revenue Code of 1954; 26 USC 47(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will explain and illustrate the application of the investment tax credit at risk rules under which (with certain exceptions) a taxpayer's credit base for section 38 property for purposes of calculating the amount of investment credit (for certain taxpayers engaged in certain activities) shall be reduced by the nonqualified nonrecourse financing with respect to such property.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-240-81.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Rick D'Avino (202) 566-4518.

Agency Contact: **Keith E. Stanley**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA15

2156. INCOME TAX--CHANGES MADE BY SECS 222(A) AND 223(B) OF THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(a) Internal Revenue Code of 1954; 26 USC 48(l)

CFR Citation: 26 CFR 1

Abstract: The proposed regulations will reflect the repeal of the refundable feature of the solar and wind energy credits and the extension of the energy credit through 1990 for certain long-term energy projects.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-150-80.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: **William A. Jackson**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AA14

2157. INCOME TAX--TAX TREATMENT OF MASS ASSETS FOR INVESTMENT CREDIT PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would clarify the investment tax credit recapture treatment of mass assets thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret this area.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-92-73.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: **Sandra E. Wallach**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA10

2158. INCOME TAX--AMENDMENT OF RECAPTURE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The investment tax credit recapture regulations will be updated to explain the recapture treatment for recovery property.

Timetable:

Action	Date	FR Cite
NPRM	11/30/85	

Small Entity: Not Applicable

Additional Information: LR-315-81.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: **Patricia Wendlandt**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA18

2159. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954; 26 USC 196 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-183-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: **Gail H. Morse**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF06

2160. INCOME TAX--INCREASE IN INVESTMENT TAX CREDIT FOR QUALIFIED REHABILITATION EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 48 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules and definitions relating to terms such as qualified rehabilitated expenditures, qualified rehabilitated building, substantial rehabilitation and certified historic structure.

Timetable:

Action	Date	FR Cite
Notice	04/30/84	
NPRM	06/28/85	50 FR 26794
NPRM Comment Period Begin	06/28/85	
NPRM Comment Period End	08/27/85	
Final Action	04/01/86	

Small Entity: Not Applicable

Additional Information: LR-238-81.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA12

2161. INCOME TAX--SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(l) Internal Revenue Code of 1954; PL 96-223, Sec 223(c)

CFR Citation: 26 CFR 1

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period Begin	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	
Hearing	06/03/82	
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-176-80.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AA26

2162. INCOME TAX--DEFINITION OF FILMS THAT ARE "TOPICAL OR OTHERWISE ESSENTIALLY TRANSITORY IN NATURE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations more specifically define what movie and television films and videotapes qualify for the investment credit.

Timetable:

Action	Date	FR Cite
NPRM	06/03/82	47 FR 24142
NPRM Comment Period Begin	06/03/82	47 FR 24142
NPRM Comment Period End	08/02/82	
Final Action	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-143-80.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA22

2163. INCOME TAX--ADJUSTMENTS TO NEW JOBS CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 51 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions relating to the targeted job as amended by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	11/23/83	48 FR 52943
NPRM Comment Period Begin	11/23/83	48 FR 52943
NPRM Comment Period End	01/23/84	
Final Action	04/01/86	

Small Entity: Not Applicable

Additional Information: LR-218-81.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA31

2164. INCOME TAX--ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 55 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and

development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-235-82.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AE80

2165. ◉ CORPORATE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 56 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules for the computation of the "add on" corporate minimum tax. The regulations will also provide rules relating to those minimum tax preference items which are applicable to corporations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-36-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret M. O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AI07

2166. INCOME TAX-MINIMUM TAX. ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-209-78.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA34

2167. INCOME TAX--TAX BENEFIT RULE FOR MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 56 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide tax benefit rules with respect to the minimum tax for tax preferences.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-151-76.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA33

2168. INCOME TAX--NONQUALIFIED SALARY REDUCTION AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 61 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide guidance regarding the tax treatment of nonqualified deferred compensation arrangements established by tax exempt charitable organizations such as non-profit hospitals for their employees.

Timetable:

Action	Date	FR Cite
NPRM	02/03/78	43 FR 4638
NPRM Comment Period Begin	02/03/78	43 FR 4638
Final Action Effective	03/06/78	
NPRM Comment Period End	04/04/78	
Hearing	05/14/78	
News release issued for comment	06/11/79	
Hearing	11/27/79	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-194-77.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA35

2169. INCOME TAX--TREATMENT OF INCOME OF CERTAIN INNOCENT SPOUSES IN COMMUNITY PROPERTY STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 66 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining acceptable amounts of community earned income transferred between spouses living apart in community property states, which will not preclude the disregard of community property laws for federal tax purposes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-41-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA37

2170. INCOME TAX--UNISEX ANNUITY TABLES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide unisex tables to be used in reporting payments received on annuity contracts. The unisex tables would replace the tables currently prescribed in the regulations. The current tables are different for men and women.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-19-80.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA38

2171. INCOME TAX--CLARIFICATION OF THE INCOME TAX REGULATIONS WITH RESPECT TO THE TAXATION OF DISTRIBUTION FROM QUALIFIED PLANS PROVIDING LIFE INSURANCE PROTECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would simplify income tax treatment of amounts distributed from qualified employee plans that provide life insurance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-44-80.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD60

2172. INCOME TAX--CERTAIN DISTRIBUTIONS, CONTRIBUTIONS, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72(o) Internal Revenue Code of 1954; 26 USC 72(m) Internal Revenue Code of 1954; 26 USC 405(d)(3) Internal Revenue Code of 1954; 26 USC 401(d)(5) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulation will provide taxpayers with guidance regarding income tax treatment of distributions of qualified voluntary employee contributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-149-81.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD61

2173. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide guidance on the application of new rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The new loan rules are provided in new section 72(p) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-106-82.

Drafting attorney: Calder L. Robertson, Jr., (202) 566-3544.

Reviewing attorney: Michael A. Thrasher, (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Jeffrey A. Quinn, (202) 566-2175.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE41

2174. INCOME TAX--EARLY WITHDRAWALS FROM DEFERRED ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for reporting amounts withdrawn from deferred annuities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-279-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF08

2175. INCOME TAX--GROUP TERM LIFE INSURANCE--EVIDENCE OF INSURABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 79 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulations will provide guidance in determining whether term life-insurance is group-term life insurance within the meaning of section 79 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	10/07/82	47 FR 44343
NPRM Comment Period Begin	10/07/82	47 FR 44343
NPRM Comment Period End	12/06/82	
Hearing	01/19/83	47 FR 53745
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-42-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA39

2176. NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER-PROVIDED GROUP-TERM LIFE INSURANCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 79(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the nondiscrimination requirements for group-term life insurance purchased for employees.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Not Applicable

Additional Information: EE-110-82.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel reviewing attorneys: Garlock, Rocap.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE89

2177. INCOME TAX--TO MAKE CERTAIN AMENDATORY CHANGES TO RULES RELATING TO PROPERTY TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 83 Internal Revenue Code of 1954; Section 252 Economic Recovery Tax Act of 1981

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers who transfer and receive property in connection with the performance of services. The amendments relate to the definition of property, the effect of section 16(b) of the Securities Exchange Act of 1934 on transferred stock, and the effect of the "Pooling-of-Interest" Accounting rules on transferred stock.

Timetable:

Action	Date	FR Cite
NPRM	11/16/83	48 FR 52079
NPRM Comment Period Begin	11/16/83	48 FR 52079
NPRM Comment Period End	01/16/84	
Final Action	09/15/85	

Small Entity: Not Applicable

Additional Information: LR-16-80.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA41

2178. REGULATIONS ON INCOME TAX UNDER THE SOCIAL SECURITY AMENDMENTS ACT OF 1983 RELATING TO THE TAXATION OF SOCIAL SECURITY BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 86 Internal Revenue Code of 1954; 26 USC 6050F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules relating to the taxation of social security benefits.

The regulations explain the calculation for determining the amount of social security benefits includible in the gross income of the recipient of the benefits. The regulations also provide rules for information reporting with respect to the benefit payments which require the furnishing of the amount of social security benefits paid to and repaid by the recipient along with the name, address, and taxpayer identification number of the recipient.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Additional Information: LR-81-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG29

2179. INCOME TAX--FLEXIBLE PREMIUM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 101(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for determining what portion (if any) of a flexible premium life insurance contract is life insurance for purposes of section 101 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-308-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF28

2180. INCOME TAX--INDUSTRIAL DEVELOPMENT BONDS FOR VEHICLES USED FOR MASS COMMUTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, section 811

CFR Citation: 26 CFR 1

Abstract: The regulations would define a qualified mass commuting vehicle for purposes of issuance of tax-exempt bonds. A qualified mass commuting vehicle is a bus, subway car or similar equipment that is leased to a mass transit system wholly owned by one or more governmental units and that is used by the mass transit system in providing mass commuting services.

Timetable:

Action	Date	FR Cite
NPRM	12/31/81	46 FR 63326
NPRM Comment Period Begin	12/31/81	46 FR 63326
NPRM Comment Period End	03/03/82	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-192-81.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty.

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA43

2181. INCOME TAX--TO AMEND THE REGULATIONS UNDER SECTIONS 1.103-13 AND 1.103-14 WITH RESPECT TO THE CALCULATIONS OF "OVERISSUANCE" AND "CUMULATIVE CASH FLOW DEFICIT"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify rules relating to the proper method for determining whether the amount of tax-exempt obligations exceeds the amount necessary for the governmental purpose for which the proceeds of the obligations are to be used.

Timetable:

Action	Date	FR Cite
NPRM	03/29/83	48 FR 13051
NPRM Comment Period Begin	03/29/83	48 FR 13051
NPRM Comment Period End	05/31/83	
Hearing	06/08/83	
Final Action	12/00/85	

Small Entity: No

Additional Information: LR-82-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA44

2182. INCOME TAX--TO AMEND THE REGULATIONS RELATING TO THE TREATMENT OF REPLACEMENT FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers and users of tax-exempt obligations relating to whether amounts are replaced by the proceeds of such obligations. As such, such amounts will be treated as proceeds of such obligation and would be required to be invested at less than a materially higher yield. If such amounts are not invested at less than a materially higher yield than the yield on the obligations then the obligations would be arbitrage bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-99-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel reviewing attorney: Pike.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA46

2183. INCOME TAX--TO PROVIDE FOR THE TAX CONSEQUENCES OF REFUNDING INDUSTRIAL DEVELOPMENT BONDS TO THE ISSUER, BOND-HOLDER & INDUSTRIAL USER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that advance refunding issues defined as those refunding issues issued more than 180 days before the redemption of the issue to be refunded may be exempt issues if issued to refund qualified public facilities. A definition of qualified public facilities is provided. Special rules for multipurpose issues are also provided.

Timetable:

Action	Date	FR Cite
Previous Notice	12/06/77	42 FR 61613
Hearing	03/15/78	
Previous Notice	02/06/79	44 FR 7177
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-70-77.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Woodward.

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA47

2184. INCOME TAX--EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(4) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 103 (b) (4) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
NPRM	08/22/84	49 FR 33283
NPRM Comment Period Begin	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	
Public Hearing	01/30/85	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-190-78.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Krolikowski.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA49

2185. INCOME TAX--TO CLARIFY THE "SUBSTANTIALLY ALL" TEST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance in determining the amount of proceeds of an issue of industrial development bonds. Generally such bonds are exempt only if substantially all of the issue proceeds are used for a purpose designated in 26 USC 103 (b).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-182-79.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mundstock.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA50

2186. INCOME TAX--TO CLARIFY THE "PUBLIC USE" AND "FUNCTIONALLY RELATED" REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendments to the regulations would provide additional rules to determine under what circumstances property is treated as functionally related and subordinate to an exempt facility, such as a dock or wharf, and, therefore financeable with tax-exempt industrial development bonds. Furthermore, the regulations would examine the public use requirement which generally restricts tax-exempt financing to exempt facilities used by the general public.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-51-79.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service; 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA51

2187. INCOME TAX--TO CLARIFY THE DEFINITION OF THE TERM "ISSUE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers, and users of industrial development bonds relating to whether multiple lots of obligations will be treated as part of the same issue under section 103 (b).

Timetable:

Action	Date	FR Cite
NPRM	10/08/81	46 FR 50014
NPRM Comment Period Begin	10/08/81	46 FR 50014
Hearing	11/12/81	
NPRM Comment Period End	01/06/82	
Final Action	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-264-81.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter,Jr. (202) 566-4473.

Treasury attorney: Joe Krolikowski (202) 566-2927.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA54

2188. INCOME TAX--TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt industrial development bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-59-74.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Thuronyi.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA56

2189. INCOME TAX--INCREASE IN LIMIT ON SMALL ISSUES OF INDUSTRIAL DEVELOPMENT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6)(D) Internal Revenue Code of 1954; 26 USC 103(b)(6)(I) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance regarding the effect of an urban development action grant with respect to a specific facility, upon the capital expenditures limitation with respect to a small issue of tax-exempt industrial bonds issued to finance such facility. The regulation may also provide guidance regarding the required size of such grant in relation to the cost of the facility to be financed by the bond issue, and the nexus between the grant and the financed facility.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/79	
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-117-79.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Krolikowski.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA57

2190. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY WHICH IS A POLLUTION CONTROL FACILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will define the term "air or water pollution control facilities". The regulations will further determine the portion of the cost of such facilities that may be financed with tax-exempt industrial development bonds, whenever the facilities also serve certain other purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/75	40 FR 36371
NPRM Comment Period Begin	08/20/75	40 FR 36371
Hearing	11/21/75	
NPRM Comment Period End	11/28/75	
Final Action	12/00/85	
Final Action Effective	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-9-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Tax Legislative Counsel reviewing attorney: Joe Krolikowski (202) 566-2927.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA58

2191. INCOME TAX--MANNER OF ELECTING $10 MILLION LIMITATION ON EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would establish revised procedures whereby the issuer of a small issue of tax-exempt industrial development bonds can elect to have a $10 million limitation rather than a $1 million limitation apply in determining the maximum allowable size of such issue. This regulation would centralize the filing of documents relating to this election to make its requirements more administrable.

Timetable:

Action	Date	FR Cite
NPRM	06/22/82	47 FR 26854
NPRM Comment Period Begin	06/22/82	47 FR 26854
NPRM Comment Period End	08/23/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-50-80.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Schuldinger.

Presently under review in Office of Tax Policy.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA59

2192. INCOME TAX--TO DEFINE THE TERM "FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify meaning of term "FACILITY" for purposes of exempt small issues of industrial development bonds. This will affect whether something could qualify for the small issue exemption from the definition of industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-227-80.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA60

2193. INCOME TAX--MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules which interpret the provisions of section 103a, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

Action	Date	FR Cite
Previous NPRM	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period Begin	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-20-81.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: McDowell.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA63

2194. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY THAT IS A SOLID WASTE DISPOSAL FACILITY & TO CONFORM TO STATUTORY EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR QUALIFI ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954; 26 USC 103(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules to determine whether property is a sewage or solid waste disposal facility or a facility for the local furnishing of electric energy or gas. Qualifying property may be financed with tax-exempt industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-100-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA64

2195. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954; 26 USC 163 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in

registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction and the denial that the interest is tax exempt.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
NPRM Comment Period Begin	11/15/82	47 FR 51414
Final Action Effective	12/31/82	
NPRM Comment Period End	01/14/83	
Hearing	01/25/83	47 FR 51413
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-255-82.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr., (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE18

2196. TO PROVIDE REGULATIONS UNDER SECTION 103(B)(10) RELATING TO LOCAL DISTRICT HEATING AND COOLING FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers and users of industrial development bonds substantially all of the proceeds of which are to be used to provide local district heating and cooling. As such, the regulations will provide guidance with respect to which parts of heating and cooling facilities may be financed with the proceeds of such bonds.

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	

Small Entity: Not Applicable

Additional Information: LR-219-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE22

2197. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)--RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period Begin	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	
Final Action	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-221-82.

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: James Lokey (202) 566-5453.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AE24

2198. TO PROVIDE REGULATIONS UNDER SECTION 103(B)(14)--RELATING TO LIMITATION ON MATURITY OF INDUSTRIAL DEVELOPMENT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Rules will provide guidance with respect to computation of average weighted economic life and average weighted maturity. Rules limit the average length of the maturity of all industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-220-82.

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr., (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: James Lokey.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AE69

2199. INTEREST EXEMPT OTHER THAN UNDER THE INTERNAL REVENUE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(m) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal would describe the application of new Code section 103 (m) to interest earned on obligations which are exempt from taxation under Federal laws outside the Internal Revenue Code. Section 103 (m) broadens the types of obligations described in section 103 (a) to include obligations on which the interest is tax-exempt under provisions of Federal law

outside of the Code. Section 103 (m) provides that interest on obligations described in section 103 (m) is considered to be interest described in section 103 (a) for all purposes of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-34-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney:

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AF49

2200. TO PROVIDE REGULATIONS UNDER SECTION 103 (B) (6) (0) RELATING TO RESTRICTIONS ON FINANCING CERTAIN FACILITIES WITH EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulations would define the types of projects which may not be financed with the proceeds of tax-exempt obligations. The amendments will conform the regulations to changes made in section 103 (b) (6) by section 214 (e), Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-84-83.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Schuldinger.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AF53

2201. ARBITRAGE: TREATMENT OF ISSUE PRICE AND ADMINISTRATIVE COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-13

Abstract: This regulation would provide guidance to issuers of municipal bonds as to the proper treatment of administrative costs and determination of issue price. This regulation would replace the existing regulation which was invalidated by the D.C. Circuit Court of Appeals.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-32-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John Fischer (202) 566-3394.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AF75

2202. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	10/31/85	

Small Entity: Not Applicable

Additional Information: LR-156-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AG84

2203. TO CLARIFY REGULATIONS RELATING TO FAILURE BY PRINCIPAL USERS TO TIMELY FILE CAPITAL EXPENDITURE STATEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) (6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations would clarify the consequences of failure to file capital expenditure statements concerning the election of the $10 million limitation upon the size of a small issue of tax-exempt industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-185-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Joseph Krolikowski.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AH18

2204. REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC (b) (15) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations would provide guidance regarding the provision enacted by the Tax Reform Act of 1984 which generally denies Federal income tax exemption for a small issue of development bonds if any of its beneficiaries receives the benefits of more than $40 million of prior outstanding industrial development bonds allocated to itself, including its allocated portion of the small issue in question. These regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-157-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Thuronyi.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AH19

2205. TEMPORARY REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR IT

Abstract: These regulations will provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-155-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AH20

2206. INCOME TAX REGULATIONS--TO PROVIDE REGULATIONS UNDER SECTION 103 (B) (16) AND (17) RELATING TO ACQUISITION OF LAND AND EXISTING FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103

Abstract: The regulations will provide rules relating to the prohibition on use of more that 25 percent of the proceeds to acquire land and the exception for first time farmers. The regulations will also provide rules on the prohibition on use of proceeds to acquire existing property and the exception for rehabilitations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-219-84.

Drafting Attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: George T. Magnatta (202) 566-3294.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH45

2207. TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-8

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Not Applicable

Additional Information: LR-269-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH68

2208. AMENDMENT OF REGULATIONS RELATING TO ARBITRAGE ON NONPURPOSE OBLIGATIONS TO REFLECT SECTION 624 OF TRA OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (c) (6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-15AT

Abstract: The regulations will provide rules relating to arbitrage on nonpurpose investments with respect to industrial development bonds. Rules will be the limitation on nonpurpose investments and the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 00837
NPRM Comment Period Begin	01/07/85	50 FR 00837
NPRM Comment Period End	03/08/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-192-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH07

2209. ● TO REVISE THE ARBITRAGE REGULATIONS RELATING TO THE TEMPORARY PERIOD FOR REFUNDING ISSUES

Legal Authority: 26 USC 103(c) Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will consider whether to amend the arbitrage regulations under section 103(c) relating to the temporary period for refunding issues.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-60-85.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH89

2210. TO PROVIDE REGULATIONS UNDER SECTION 103 (N) RELATING TO CARRYFORWARD ELECTIONS AND ELECTION TO ALLOCATE STATE CEILING TO FACILITIES FOR LOCAL FURNISHING OF ELECTRICITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (n) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103 (n)-6; 26 CFR 1.103 (n)-7

Abstract: The regulations will clarify the rules relating to carryforward of unused private activity bond limit and extend the deadline for making such elections. The regulations will also provide rules relating to the election to allocate state ceiling to certain facilities for local furnishing of electricity.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50405
NPRM Comment Period Begin	12/28/84	49 FR 50405
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-304-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG91

2211. TO PROVIDE REGULATIONS RELATING TO THE STATE VOLUME CAP ON PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (n) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-1T; 26 CFR 1.103-2T; 26 CFR 1.103-3T; 26 CFR 1.103-4T; 26 CFR 1.103-5T; 26 CFR 1.103-6T

Abstract: These regulations will provide rules relating to the limitation on the aggregate amount of private activity bonds. The regulations will define the terms private activity bond and state ceiling. The regulations will also provide rules for carrying forward any unused private activity bond limit.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39344
NPRM Comment Period Begin	10/05/84	49 FR 39344
NPRM Comment Period End	12/04/84	
Public hearing held	04/22/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-144-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH62

2212. ● DENIAL OF TAX EXEMPTION FOR CONSUMER LOAN BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to consumer loan bonds. The regulations will explain the meaning of the term "loan" for purposes of this provision. The regulations will also provide guidance on which obligations are not consumer loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-20-85.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH97

2213. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103A-2

Abstract: The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Not Applicable

Additional Information: LR-307-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG88

2214. TO PROVIDE REGULATIONS RELATING TO EXTENSION OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 6a.103A-2

Abstract: These regulations will provide rules relating to the extension of authority to issue mortgage subsidy bonds. The regulations will explain the form and manner in which information is to be reported to the Internal Revenue Service. The regulations will also provide rules relating to the requirement that an annual policy statement be filed and the requirement that a state certification be executed for each issue.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48323
NPRM Comment Period Begin	12/12/84	49 FR 48323
NPRM Comment Period End	02/12/85	
Public hearing held	04/30/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-240-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Suzanne McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C, 20224, **202 566-3294**

RIN: 1545-AH66

2215. INCOME TAX--CHANGES IN EXCLUSION FOR SICK PAY & CERTAIN MILITARY, ETCETERA, DISABILITY PENSIONS; CERTAIN DISABILITY INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 104(a) Internal Revenue Code of 1954; 26 USC 104(b) Internal Revenue Code of 1954; 26 USC 105(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would relate to annuities, unemployment compensation, compensation for injuries or sickness, amount received under accident or health plans, and contributions by employees to accident and health plans. Exclusions from income would be clarified.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46082
NPRM Comment Period Begin	07/09/80	45 FR 46082
NPRM Comment Period End	09/08/80	
Final Action	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-159-76.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington DC 20224, **202 566-3297**

RIN: 1545-AA66

2216. INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1978, RELATING TO SELF-INSURED MEDICAL EXPENSES REIMBURSEMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 105(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to self-insured medical reimbursement plans. The regulations will explain whether policies issued by captive insurance companies are considered self-insured.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-28-84.

Drafting attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorney: Harry Conaway.

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG34

2217. INCOME TAX--DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 108 Internal Revenue Code of 1954; 26 USC 1017 Internal Revenue Code of 1954; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-91-81.

Drafting attorney: Duane Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3474**

RIN: 1545-AA67

2218. INCOME TAX--PART 1--INCOME TAX REGULATIONS UNDER SECTION 111 RELATING TO INCLUSION OF TAX BENEFIT ITEMS

Legal Authority: 26 USC 111 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation will revise the rules for determining whether the recovery of an amount deducted in a prior taxable year must be included in income, to reflect changes in section 111 made by section 170 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Not Applicable

Additional Information: LR-303-84.

Drafting attorney: Annie R. Alexander (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3318.

Treasury attorney: James Bridgeman (202) 566-4902.

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH17

2219. INCOME TAX--PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 116 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules relating to the partial exclusion of dividends and interest for 1981.

Timetable:

Action	Date	FR Cite
NPRM	02/09/81	47 FR 5902
NPRM Comment Period Begin	02/09/81	47 FR 5902
NPRM Comment Period End	04/12/81	
Hearing	06/22/82	47 FR 20802
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-83-80.

Drafting attorney: Phoebe A. Mix (202) 566-3238.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorneys: not assigned.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA69

2220. ● QUALIFIED TUITION REGULATIONS (SECTION 532 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 117 (d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-35-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Kent Mason (202) 566-6964.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AI13

2221. INCOME TAX--CONTRIBUTIONS IN AID OF CONSTRUCTION FOR CERTAIN UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 118(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Notice would define and interpret when a utility has received a contribution in aid of construction. Changes to the applicable law were made by section 2120 of the Tax Reform Act of 1976 and section 364 of the Tax Reform Act of 1978.

Timetable:

Action	Date	FR Cite
Previous NPRM	09/27/78	
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-136-76.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Rocap.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA71

2222. INCOME TAX--PREPAID LEGAL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 120 Internal Revenue Code of 1954; 26 USC 501(c)(20) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the establishment and operation of a qualified group legal services plan. Employer contributions to, and benefits provided under, a qualified plan are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	04/29/80	45 FR 28360
NPRM Comment Period Begin	04/29/80	45 FR 28360
NPRM Comment Period End	06/30/80	
Hearing 09/04/80	07/25/80	45 FR 49596
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-5-78.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD62

2223. INCOME TAX--TAX TREATMENT OF CAFETERIA PLANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 125 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits, some of which are taxable and some of which are nontaxable.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period Begin	12/31/84	
NPRM Comment Period End	01/30/85	
Hearing	04/11/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-16-79.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD63

2224. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 126 Internal Revenue Code of 1954; 26 USC 1255 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period Begin	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	
Hearing	12/01/81	46 FR 50808
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-222-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Linda M. Kroening (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA73

2225. INCOME TAX--DEPENDENT CARE ASSISTANCE PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 129 Internal Revenue Code of 1954; 26 USC 3121(a)(18) Internal Revenue Code of 1954; 26 USC 3306(b)(13) Internal Revenue Code of 1954; 26 USC 3401(a)(18) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: Internal Revenue Code section 129 excludes from an employee's gross income amounts paid or expenses incurred by an employer for dependent care assistance provided to an employee pursuant to a qualified program. Payments or benefits excluded under this section are not wages and consequently are not subject to tax under the Federal Insurance Contributions Act and the Federal Unemployment Act and are not subject to withholding. The regulation sets forth plan requirements and related rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-147-81.

Drafting attorney: Monice L. Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD65

2226. INCOME TAX--PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 130 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-82-83.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Tax Legislative Counsel attorney:

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF39

2227. INCOME TAX--PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 131

CFR Citation: 26 CFR 1

Abstract: This regulation project will explain what foster child care payments may be excluded from the gross income of a foster parent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period Begin	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	
Hearing held	06/25/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: LR-83-83.

Drafting attorney: Cynthia L. Clark (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Tax Legislative Counsel attorney:

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF52

2228. INCOME TAX--NOTICE OF PROPOSED RULEMAKING RELATING TO THE EXCLUSION FROM GROSS INCOME OF CERTAIN FRINGE BENEFITS

Significance: Regulatory Program

Legal Authority: 26 USC 132

CFR Citation: 26 CFR 1

Abstract: The regulations will propose rules concerning the exclusion from gross income of certain fringe benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Undetermined

Additional Information:

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Treasury attorney: Kent A. Mason (202) 535-6964. LR-14-85.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH56

2229. ● INCOME TAXES, EMPLOYMENT TAXES, EXCISE TAXES--TAXATION OF FRINGE BENEFITS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 132 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 54

Abstract: The regulations propose rules concerning the treatment of taxable and nontaxable fringe benefits, including the valuation of taxable fringe benefits for purposes of income and employment tax withholding. The regulations also include proposed special rules for valuing certain fringe benefits.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 836
NPRM Comment Period Begin	01/07/85	50 FR 836
NPRM Comment Period End	03/08/85	
Public Hearing	04/16/85	50 FR 7072
Public Hearing	04/17/85	50 FR 7072
Public Hearing	04/18/85	50 FR 7072
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: LR-216-84.

Drafing attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Treasury attorney: Kent A. Mason (202) 535-6964.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH73

2230. ● TEMPORARY REGULATIONS RELATING TO THE EXCLUSION FROM GROSS INCOME OF CERTAIN FRINGE BENEFITS

Significance: Regulatory Program

Legal Authority: 26 USC 132 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules concerning the exclusion from gross income of certain fringe benefits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/85	

Small Entity: Undetermined

Additional Information: LR-37-85.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Treasury attorney: Kent A. Mason (202) 566-6964.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3238**

RIN: 1545-AI03

2231. INTEREST ON ESOP SECURITIES ACQUISITION LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 133 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance concerning the treatment of interest on ESOP securities acquisition loans.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-73-84.

Drafting Attorney: John T. Ricotta (202) 566-3544.

Reviewing Attorney: Michael A. Thrasher (202) 566-3961.

Treasury Attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG46

2232. INCOME TAX--EMPL. TAX--DEDUCTIBILITY OF CERTAIN TRANSPORTATION EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954; 26 USC 62 Internal Revenue Code of 1954; 26 USC 262 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3306 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: The regulations would provide guidelines for determining when a taxpayer may deduct some transportation expenses incurred in traveling between his home and some places of work.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-173-77.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: James E. Connor (202) 566-3930.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA76

2233. INCOME TAX--TO ADD PROVISIONS RELATING TO STATE LEGISLATORS' TRAVEL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to state legislators who elect to deduct a set per diem in lieu of having to substantiate their actual travel expenses arising from their trade or business as a state legislator.

Timetable:

Action	Date	FR Cite
NPRM	08/09/83	48 FR 36137
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-5-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA78

2234. INCOME TAX--TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954; 26 USC 4945 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period Begin	06/00/86	
NPRM Comment Period End	09/00/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-77.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: David R. Haglund (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: McDowell.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA79

2235. INCOME TAX--LIMITATION ON INTEREST DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 163(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the deductibility of interest on indebtedness incurred to purchase or carry investment property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1639.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA80

2236. SANCTIONS ON ISSUERS AND HOLDERS OF REGISTRATION-REQUIRED OBLIGATIONS NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 165 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The temporary regulations provide rules for determining whether an issuer may claim an interest deduction for interest paid on an obligation in bearer form, which is otherwise a registration required obligation because the issuer satisfies the conditions set forth in section 163 (f) (2) (B). In addition, the temporary regulations provide rules which define the circumstances under which a United States person may hold a registration-required obligation in bearer form.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33276
NPRM Comment Period Begin	08/22/84	49 FR 33276
Interim Final Rule	08/22/84	
NPRM Comment Period End	10/22/84	
Hearing held	01/28/85	49 FR 47870
Final Action	12/31/85	

Small Entity: No

Additional Information: LR-151-83.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Agency Contact: P. Ann Fisher or Carol Doran Klein, Attorney, Office of Chief Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF63

2237. INCOME TAX REGULATIONS--TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 165 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period Begin	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	
Public hearing held	11/29/84	
Final Action	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-147-84.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Linda Carlisle (202) 566-4519.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AG57

2238. INCOME TAX--DEDUCTIONS FOR ADDITION TO A RESERVE FOR CERTAIN GUARANTEED DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 166(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for establishing a suspense account for certain guaranteed debt obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46815
NPRM Comment Period Begin	07/11/80	45 FR 46815
NPRM Comment Period End	09/09/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1173.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA81

2239. INCOME TAX--ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954; 26 USC 167 Internal Revenue Code of 1954; 26 USC 1250 Internal Revenue Code of 1954; 26 USC 57(a)(12) Internal Revenue Code of 1954; 26 USC 312(k) Internal Revenue Code of 1954; 26 USC 172(b) Internal Revenue Code of 1954; 26 USC 812(b) Internal Revenue Code of 1954; 26 USC 46(b) Internal Revenue Code of 1954; 26 USC 53(c) Internal Revenue Code of 1954; 26 USC 381(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the new accelerated cost recovery scheme. This new cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5940
NPRM Comment Period Begin	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	
Hearing held	05/21/84	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-185-81.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: George T. Magnatta (202) 566-3294.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA87

2240. INCOME TAX--NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168(e)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The temporary regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation. Under the transitional rule these utilities are given until January 1, 1983 to meet the normalization requirements of section 168 (e) (3).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-244-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA88

2241. INCOME TAX--RELATING TO TERMINAL RENTAL ADJUSTMENT CLAUSES IN CERTAIN MOTOR VEHICLE LEASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168(f)(8) Internal Revenue Code of 1954; Tax Equity and Fiscal Responsibility Act of 1982, Section 210

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for determining whether certain motor vehicle agreements which contain terminal rental adjustment clauses are conditional sales agreements or lease agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52729
NPRM Comment Period Begin	11/23/82	
NPRM Comment Period End	01/24/83	
Hearing	02/10/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-187-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF32

2242. FINANCE LEASES--DEFINITION AND SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168

CFR Citation: 26 CFR 1

Abstract: This regulations project would provide rules regarding what transaction would qualify as a finance lease, a new tax law concept enacted by the Tax Equity and Fiscal Responsibility Act of 1982. This project would also provide guidelines for determining whether a transaction characterized as a lease is really a lease for Federal tax purposes as opposed to a conditional sale or a financing arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-90-83.

Drafting attorney: Robert Beatson (202) 566-3590.

Reviewing attorney: John A. Tolleris (202) 566-3590.

Office of Tax Legislative Counsel reviewing attorney: Rubin (202) 535-6968.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AF54

2243. TO PROVIDE REGULATIONS UNDER SECTION 168 RELATING TO INTANGIBLE PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The project will clarify what type of property is "tangible" property subject to the allowance for depreciation under the accelerated cost recovery system.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-17-84.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: George T. Magnatta (202) 566-3294.

Agency Contact: Ada S. Rousso, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AF78

2244. TEMPORARY REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to tax-exempt entity leasing. The regulations will explain a number of basic issues concerning tax-exempt use property, tax-exempt entities, depreciation, partnerships, high technology equipment, service contracts, lease terms, and transitional rules.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period Begin	07/02/85	
NPRM Comment Period End	09/03/85	
Final Action	02/01/86	

Small Entity: Not Applicable

Additional Information: LR-124-84.

Drafting attorney: Robert Beatson (202) 566-3590.

Reviewing attorney: John A. Tolleris (202) 566-3590.

Treasury attorney: Blake Rubin (202) 535-6968.

Agency Contact: **Robert Beatson,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AG26

2245. ● TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These proposed regulations will provide rules relating to tax-exempt entity leasing and tax-exempt use property under section 168 (j) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period Begin	07/02/85	50 FR 27297
NPRM Comment Period End	09/03/85	
Final Action	02/01/86	

Small Entity: Not Applicable

Additional Information: LR-31-85.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Tolleris (202) 566-3459.

Treasury attorney: Blake Rubin (202) 566-4902.

Agency Contact: **Robert Beatson,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH76

2246. INCOME TAX--AMORTIZATION OF CERTAIN POLLUTION CONTROL FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 169 Internal Revenue Code of 1954; Tax Reform Act of 1976 sec 2112

CFR Citation: 26 CFR 1

Abstract: The regulations would provide a definition of "Pollution Control Facility" for purposes of amortization. An eligible taxpayer would be permitted to amortize the basis of the pollution control facility over a period of five years.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-193-76.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Tax Legislative Counsel reviewing attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: **Robert Beatson,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA89

2247. INCOME TAX--CHARITABLE CONTRIBUTIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to corporations making a qualified research contribution of scientific equipment or apparatus to an institution of higher education.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information:

LR-219-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: **David R. Haglund,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA90

2248. INCOME TAX--ESTATE & GIFT TAXES--TRANSFERS OF PARTIAL INTERESTS IN PROPERTY FOR CONSERVATION PURPOSES--TO EXTEND CERTAIN TEMPORARY TAX PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170(f)(3) Internal Revenue Code of 1954; 26 USC 170(h) Internal Revenue Code of 1954; 26 USC 2055(e)(2) Internal Revenue Code of 1954; 26 USC 2522(c)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25

Abstract: These regulations will provide to what extent a taxpayer can obtain a charitable deduction for a charitable contribution of a partial interest in real property.

Timetable:

Action	Date	FR Cite
NPRM	05/23/83	48 FR 22940
NPRM Comment Period Begin	05/23/83	48 FR 22940
NPRM Comment Period End	07/22/83	
Hearing	09/15/83	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-200-76.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AA91

2249. DEDUCTIONS IN EXCESS OF $5,000 CLAIMED FOR CERTAIN CHARITABLE CONTRIBUTIONS OF PROPERTY AND INFORMATION REPORTING BY DONEES WHO MAKE CERTAIN DISPOSITIONS OF DONATED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170 (a) (1) Internal Revenue Code of 1954; 26 USC 6050L Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to deductions for charitable contributions. The regulations provide that deductions for certain charitable contributions made by an individual, closely held corporations, personal service corporation, partnership, or S corporation shall not be allowed unless the donor obtains a qualified appraisal and attaches an appraisal summary to the donor's return on which the deduction is first claimed. Additionally, the regulations require the donee of certain charitable deduction property to make an information return.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50740
NPRM Comment Period Begin	12/31/84	49 FR 50740
NPRM Comment Period End	03/01/85	
Public hearing held	06/28/85	
Final Action	09/01/85	

Small Entity: Not Applicable

Additional Information: LR-200-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG86

2250. ○ INCOME TAX--TO PROVIDE REGULATIONS RELATING TO CONTRIBUTIONS TO PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the percentage limitations for charitable contributions to private foundations. The regulations will also provide rules relating to "qualified appreciated stock" as that term is defined in section 170 (e) (5) of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	02/15/86	

Small Entity: Not Applicable

Additional Information: LR-321-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: James Bridgeman (202) 566-4902.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AI09

2251. INCOME TAX--NET OPERATING LOSSES ATTRIBUTABLE TO PRODUCT LIABILITY LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172 Internal Revenue Code of 1954; 26 USC 537(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide the necessary guidance with respect to product liability losses and accumulations for the payment of reasonably anticipated product liability losses. Product liability losses may be carried back ten years instead of three years.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/30/79	
NPRM	03/25/83	48 FR 12557
NPRM Comment Period Begin	03/25/83	48 FR 12557
NPRM Comment Period End	05/24/83	
Final Action	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-218-78.

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA93

2252. INCOME TAX--NET OPERATING LOSSES FOR CERTAIN REAL ESTATE INVESTMENT TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172(b)(1)(E) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: To provide guidance to Real Estate Investment Trusts with net operating loss carryovers. A net operating loss for a year in which the taxpayer was a REIT shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss, and shall be a net operating loss carryover to each of the 15 taxable years following the taxable year of such loss. In the case of any net operating loss for a taxable year which is not a REIT year, such loss shall not be carried back to any taxable year which is a REIT year.

Timetable:

Action	Date	FR Cite
NPRM	06/26/84	84 FR 16876
NPRM Comment Period Begin	06/26/84	
NPRM Comment Period End	08/26/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-26-81.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA94

2253. INCOME TAX--ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954; 26 USC 1033 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules relating to the election to expense certain depreciable business assets. The regulations determine the type of property to which section 179 applies. In addition, the regulations set forth the maximum amount of section 179 expense allowed and the procedures that must be followed in claiming the expense.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-233-81.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Thuronyi, Rollyson.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AA95

2254. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 183 (e) (3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-73-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG27

2255. INCOME TAX--AMORTIZATION OF REAL PROPERTY CONSTRUCTION PERIOD INTEREST & TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 189 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide that only a portion of the real property construction period interest and taxes are deductible for the taxable year they are paid or accrued. The remaining amounts are amortized over varying periods of time depending on the category of real property to which such amounts are attributable and the taxable year the interest and taxes are paid or accrued.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-145-76.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA97

2256. INCOME TAX--TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 195 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-36-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB02

2257. MEDICAL DEDUCTION FOR LODGING AWAY FROM HOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 213 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the deduction for medical expenses incurred for lodging away from home.

Timetable:

Action	Date	FR Cite
NPRM	02/15/86	

Small Entity: Not Applicable

Additional Information: LR-302-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH21

2258. INCOME TAX--ESTATE TAX--GIFT TAX--PROCEDURE AND ADMINISTRATION--RETIREMENT SAVINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 219 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 415 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954; 26 USC 2517 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period Begin	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	
Final Action	12/00/85	

Small Entity: No

Additional Information: EE-148-81.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-4902.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD66

2259. INCOME TAX--GIFT TAX--EMPLOYMENT TAXES--RETIREMENT INCOME PLAN EXCISE TAXES--PROCEDURE AND ADMINISTRATION--SPOUSAL INDIVIDUAL RETIREMENT ACCOUNTS SIMPLIFIED EMPLOYEE ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 62 Internal Revenue Code of 1954; 26 USC 219 Internal Revenue Code of 1954; 26 USC 220 Internal Revenue Code of 1954; 26 USC 404(h) Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 2503 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3306 Internal Revenue Code of 1954; 26 USC 4973 Internal Revenue Code of 1954; 26 USC 4974 Internal Revenue Code of 1954; 26 USC 6693 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period Begin	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-7-78.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-4902.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD59

2260. INCOME TAX-NOTICE OF PROPOSED RULEMAKING-HOLDINGS PERIODS FOR DIVIDENDS RECEIVED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 246 (c) Internal Revenue Code of 1954; 26 USC 1059 Internal Revenue Code of 1954; 26 USC 854 Internal Revenue Code of 1954; 26 USC 7701 (f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Amendment of the regulations under section 246 (c) and related sections of the Internal Revenue Code of 1954 to interpret the limitations on qualification for a dividends received deduction imposed by the holding period. The regulations will explain how that holding period is effected when a taxpayer has diminished his risk of loss.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-8-85.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH40

2261. INCOME TAX-DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 246A Internal Revenue Code of 1954; 26 USC 7701(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

Timetable:

Action	Date	FR Cite
NPRM	01/30/86	

Small Entity: Not Applicable

Additional Information: LR-261-84.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH39

2262. INCOME TAX--PREPUBLICATION EXPENDITURES OF PUBLISHERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the capitalization of pre-publication expenses of publishers and authors.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-253-76.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA36

2263. INCOME TAX - NOTICE OF PROPOSED RULEMAKING - PAYMENTS IN LIEU OF DIVIDENDS IN CONNECTION WITH SHORT SALES, SECTION 263 (H) OF THE INTERNAL REVENUE CODE AND SECTION 56 (A) OF THE TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 263 (h) Internal Revenue Code of 1954; 26 USC 265 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the disallowance of deductions for payments made in lieu of dividends in connection with short sales as required by section 263 (h) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	04/15/86	

Small Entity: Not Applicable

Additional Information: LR-9-85.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH37

2264. INCOME TAX--TAXES AND CARRYING CHARGES CHARGEABLE TO CAPITAL ACCOUNT AND TREATED AS CAPITAL ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 266 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for electing to capitalize certain taxes and carrying charges that are otherwise expressly deductible under subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-22-82.

Drafting attorney: Bruce B. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB03

2265. REGULATIONS UNDER SECTION 267 IRC TO REFLECT SECTION 174 OF THE TAX REFORM ACT OF 1984 RELATING TO LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 267 Internal Revenue Code of 1954; 26 USC 706 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation deals with changes in section 267 arising from section 174 of the Tax Reform Act of 1984. It deals with the matching of payor deductions and payee income items in the case of expenses and interest where the accrual method payor and the cash method payee are related persons. The regulation also deals with the deferral and restoration of loss on the sale or exchange of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	11/29/84	49 FR 47048
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	
Final Action	12/01/85	

Small Entity: No

Additional Information: LR-183-84.

Drafting attorneys: Keith E. Stanley (202) 566-3458, John G. Schmalz and Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Mark B. Blumkin (202) 566-3463.

Treasury attorneys: Jim Lokey (202) 566-5453, Eric Elfman (202) 566-8527, Jane Sarosdy (202) 566-8275.

Agency Contact: Keith E. Stanley, John G. Schmalz, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AG11

2266. INCOME TAX--PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 269A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment Period Begin	03/31/83	48 FR 13438
NPRM Comment Period End	05/31/83	
Hearing	07/19/83	
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-188-82.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF11

2267. INCOME TAX--TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(h) Internal Revenue Code of 1954; PL 96-608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is as reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-114-81.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Draft of notice to Treasury for review 11/08/82.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB04

2268. INCOME TAX--DISALLOWANCE OF CERTAIN ENTERTAINMENT EXPENSES--TO CONFORM TO SECTION 361, REVENUE ACT OF 1978

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would conform section 274 (a) (l) (B) to changes made by section 361 of the Revenue Act of 1978. The regulations disallow expenditures paid or incurred with respect to a facility used in connection with entertainment.

Timetable:

Action	Date	FR Cite
NPRM	09/26/83	48 FR 43698
NPRM Comment Period Begin	09/26/83	48 FR 43698
NPRM Comment Period End	11/22/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-203-78.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel reviewing attorney: Carlisle.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB05

2269. INCOME TAX--DEDUCTIBILITY OF GIFTS BY EMPLOYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would reflect the modification by the Economic Recovery Tax Act of 1981 of the third exception to the term "gift" (i.e., the exception within certain dollar limitations for awards of tangible personal property). The regulations would define the term "qualified plan award." The regulations would clarify the existing regulations under section 274 (b) of the Internal Revenue Code of 1954 by excluding from the term "tangible personal property" any award of cash, or of a gift certificate, or of a right to choose among 5 or more different items.

Timetable:

Action	Date	FR Cite
NPRM	12/16/82	47 FR 56367
NPRM Comment Period Begin	12/16/82	47 FR 56367
NPRM Comment Period End	02/14/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-252-81.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB06

2270. ● WITHDRAWAL OF TEMPORARY REGULATIONS UNDER SECTION 274 RELATING TO CONTEMPORANEOUS RECORDKEEPING WITH RESPECT TO CERTAIN PASSENGER AUTOMOBILES AND CERTAIN OTHER LISTED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 132 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This Treasury decision will withdraw certain temporary regulations contained in T.D. 7986 and T.D. 8009, relating to the substantiation requirements of section 274 (d), and withdraw a portion of other temporary regulations contained in T.D. 8009 relating to the Taxation of Fringe Benefits. This Treasury decision will conform the regulations to Public Law 99-44 which repealed the Contemporaneous Recordkeeping Requirement added to section 274 (d) by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/85	
Final Action	10/01/85	

Small Entity: Not Applicable

Additional Information: LR-64-85.

Drafting attorneys: Michel A. Daze' (202) 566-3829 and Annette J. Guarisco (202) 566-3918.

Reviewing attorneys: George T. Magnatta (202) 566-6456 and Philip R. Bosco (202) 566-3430.

Treasury attorneys: Jeff Quinn (202) 566-2175 and Kent Mason (202) 535-6964.

Agency Contact: Michel A. Daze', Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AH81

2271. INCOME TAX--TAXATION OF NONEXEMPT MEMBERSHIP ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 277 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would relate to the taxation of nonexempt membership organizations. The regulations would clarify the deductibility to the organization for furnishing services, facilities, et cetera, to its members.

Timetable:

Action	Date	FR Cite
NPRM	05/06/72	
Hearing	08/08/72	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1721.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington DC 20224, **202 566-3238**

RIN: 1545-AB07

2272. INCOME TAX--AMORTIZATION OF PRODUCTION COST OF MOTION PICTURES, BOOKS, RECORDS, AND OTHER SIMILAR PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280 Internal Revenue Code of 1954; Section 210 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the amortization of certain production costs that are otherwise not capitalized. The regulations relate to production costs for motion pictures, books, records, and similar property.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-220-76.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB08

2273. INCOME TAX--DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	07/21/83	48 FR 33326
NPRM Comment Period Begin	07/21/83	
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-261-76.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-9050.

Office of Tax Legislative Counsel reviewing attorney: Yecies.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB09

2274. LIMITATIONS ON AMOUNT OF DEPRECIATION AND INVESTMENT TAX CREDIT FOR LUXURY AUTOMOBILES AND CERTAIN OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will clarify the rules limiting the investment tax credit and cost recovery deductions allowable with respect to passenger automobiles and certain other "listed property." The regulations will also provide rules relating to the substantiation requirements for "listed property" under section 274 (d) (4).

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42743
NPRM Comment Period Begin	10/24/84	49 FR 42743
NPRM Comment Period End	12/24/84	
Hearing held	04/16/85	50 FR 7973
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-145-84.

Drafting attorney: Michel A. Daze' (202) 566-3829.

Reviewing attorney: George T. Magnatta(202) 566-6456.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Michel Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AG99

2275. NOTICE OF PROPOSED RULEMAKING RELATING TO RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280G Internal Revenue Code of 1954

CFR Citation: 26 CFR 280G

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Not Applicable

Additional Information: LR-217-84.

Drafting attorney: Annie R. Alexander (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-9050.

Treasury attorney: Don Rocap (202) 566-2926.

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH49

2276. INCOME TAX--SPECIAL RULES RELATING TO CORPORATE PREFERENCE ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 291 Internal Revenue Code of 1954; 26 USC 57(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the determination of the reduction for certain corporate preference items.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-234-82.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AE78

2277. WAIVER OF FAMILY ATTRIBUTION BY ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 302(c)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-189-82.

Drafting attorney: Michel A. Daze' (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3487.

Treasury attorney: Rick D'Avino.

Agency Contact: Michel A. Daze', Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AF13

2278. INCOME TAX--DISTRIBUTION IN REDEMPTION OF STOCK TO PAY DEATH TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 303 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules for treating distributions in redemption of stock to pay death taxes to be treated as a distribution in full payment in exchange for the stock. The regulations provide rules with respect to stock that is redeemed from a shareholder whose interest in the estate is reduced by any payment of the death taxes or funeral and administrative expenses of the estate.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33277
NPRM Comment Period Begin	08/22/84	49 FR 33277
NPRM Comment Period End	10/22/84	
Final Action	09/00/86	

Small Entity: Not Applicable

Additional Information: LR-124-76.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AB13

2279. INCOME TAX--TO CLARIFY MEANING OF TERM "REASONABLE REDEMPTION PREMIUM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules to determine when the difference between redemption price and issue price of preferred stock will be treated as a stock distribution.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-91-74.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB15

2280. INCOME TAX--DIVIDEND REINVESTMENT IN STOCK OF PUBLIC UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Notice would define and interpret when a qualified public utility may set up a qualified dividend reinvestment plan so that its shareholders may elect to receive qualified common stock and exclude a certain portion from income. Changes to the applicable law were made by the Economic Tax Recovery Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30146
NPRM Comment Period Begin	06/30/83	48 FR 30146
NPRM Comment Period End	08/29/83	
Hearing	10/05/83	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-241-81.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3829**

RIN: 1545-AB14

2281. INCOME TAX - AMENDMENTS TO STATUTORY PROVISIONS RELATING TO EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 312 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for the calculation of earnings and profits to reflect changes in the law made by section 61 of the Deficit Reduction Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-154-84.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AG30

2282. INCOME TAX--MISCELLANEOUS CORPORATE AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 302 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 351 Internal Revenue Code of 1954; 26 USC 312 Internal Revenue Code of 1954; 26 USC 542(c) Internal Revenue Code of 1954; PL 96-589, Sec 5

CFR Citation: 26 CFR 1

Abstract: The regulation would amend the Income Tax Regulations to conform them to miscellaneous corporate amendments made by the Bankruptcy Tax Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-71-81.

Drafting attorney: Nancy L. Rose (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Nancy L. Rose, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB12

2283. INCOME TAX--SIMULTANEOUS LIQUIDATION OF A PARENT AND SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the nonrecognition treatment following the sale of assets of a subsidiary corporation provided that the subsidiary and certain other corporations in its affiliated group liquidate within a 12-month period.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1225
NPRM Comment Period Begin	01/10/84	
NPRM Comment Period End	03/10/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-130-76.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AB18

2284. INCOME TAX-ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment Period Begin	09/06/84	
NPRM Comment Period End	11/05/84	
Final Action	11/15/85	

Small Entity: Not Applicable

Additional Information: LR-26-83.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Mark Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: **Duane H. Pellervo,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF38

2285. REGULATIONS UNDER SECTION 338 (H) (10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-218-83.

Drafting attorney: Bennett Steinhauer (202) 566-4336.

Reviewing attorney: Duane H. Pellervo (202) 566-3458.

Agency Contact: **Bennett Steinhauer,** Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AF93

2286. INCOME TAX--APPLICATION OF SECTION 338 TO STOCK AND ASSET ACQUISITIONS IN THE INTERNATIONAL CONTEXT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 338

Abstract: These regulations will provide rules relating to section 338 as it applies to stock and asset acquisitions in the International Context.

Timetable:

Action	Date	FR Cite
NPRM	09/15/85	

Small Entity: Not Applicable

Additional Information: LR-35-84.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Charles C. Saverude (202) 566-3323, and Marcus B. Blumkin (202) 566-3463.

Agency Contact: **Duane H. Pellervo,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 20224, **202 566-3458**

RIN: 1545-AG13

2287. ◎ TEMPORARY REGULATIONS--APPLICATION OF SECTION 338 TO STOCK AND ASSET ACQUISITIONS IN THE INTERNATIONAL CONTEXT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to section 338 as it applies to stock and asset acquisitions in the international context.

Timetable:

Action	Date	FR Cite
Final Action	09/15/85	

Small Entity: Not Applicable

Additional Information: LR-32-85.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorneys: Charles C. Saverude (202) 566-3323, and Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Steve Shay (202) 566-5992.

Agency Contact: **Duane H. Pellervo,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH87

2288. ◎ QUESTIONS AND ANSWERS RELATING TO DOMESTIC MATTERS UNDER SECTION 338 OF THE INTERNAL REVENUE CODE OF 1954 - CROSS REFERENCE TO THE TEMPORARY REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide guidance on a broad range of issues under section 338.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16430
Final Action	01/31/86	

Small Entity: Not Applicable

Additional Information: LR 33-85.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: **Duane H. Pellervo,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH88

2289. DEEMED SALE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will prescribe rules for computing the basis of stock

purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-191-82.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: Charles Whedbee (202) 566-3487.

Office of Tax Legislative Counsel reviewing attorney: Eric Elfman.

Agency Contact: Bennett C. Steinhauer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AF29

2290. INCOME TAX--REGULATIONS UNDER SECTION 338 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Abstract: This regulation would establish general rules relating to the effect of an election under section 338 (g), which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-212-82.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AE60

2291. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 341, RELATING TO COLLAPSIBLE CORPORATIONS, TO REFLECT THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 341 (d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These changes to the regulations will amend the definition of a collapsible corporation and will provide rules for the aggregation of certain types of property for purposes of limiting the application of section 341 to certain corporations.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34523
NPRM Comment Period Begin	08/31/84	49 FR 34523
NPRM Comment Period End	10/30/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-107-84.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Neil Kimmelfield (202) 535-6968.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AG33

2292. INCOME TAX--CORPORATE DISTRIBUTIONS OF APPRECIATED PROPERTY AND PARTIAL LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 346(b) Internal Revenue Code of 1954; 26 USC 302(b) Internal Revenue Code of 1954; 26 USC 302(e) Internal Revenue Code of 1954; 26 USC 311(d) Internal Revenue Code 0f 1954; 26 USC 311(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret and prevent the circumvention of the repeal of the special tax treatment for partial corporate liquidations as effected by section 222 of the Tax Equity and Fiscal Responsibility Act of 1982. Proposal would also interpret the definitions and special rules relating to appreciated property used to redeem stock contained in section 311 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-218-82.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: David C. Garlock (202) 566-2566.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AF16

2293. INCOME TAX--DISTRIBUTION OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 355 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal relates to the income tax treatment of the distribution of stock and securities of a controlled corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/21/77	42 FR 3866
NPRM Comment Period Begin	01/21/77	42 FR 3866
NPRM Comment Period End	03/22/77	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-936.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AB20

2294. INCOME TAX--TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112
NPRM Comment Period Begin	01/02/81	46 FR 112
NPRM Comment Period End	03/03/81	
Final Action	01/03/86	

Small Entity: Not Applicable

Additional Information: LR-1993.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Carolyn Swift (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB21

2295. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognitions provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the section conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-150-84.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Joseph L. Andrus (202) 566-2964.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AG68

2296. INCOME TAX--TREATMENT OF EXCHANGES DESCRIBED IN SECTION 367 (B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide the conditions necessary to prevent the avoidance of Federal income taxes on transfers described in section 367 (b).

Timetable:

Action	Date	FR Cite
NPRM	12/30/77	42 FR 65152
NPRM Comment Period Begin	12/30/77	42 FR 65152
NPRM Comment Period End	03/01/78	
Notice amended	10/02/79	44 FR 57390
Notice amended	12/27/82	47 FR 57502
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2-78.

Drafting attorney: Unassigned.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Wold; Granwell.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury decision.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB26

2297. INCOME TAX--ACQUISITION OF A CORPORATION BY MERGER OF A CORPORATION CONTROLLED BY THE ACQUIRING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368(a)(2)(E) Internal Revenue Code of 1954; 26 USC 368(b)(2) Internal Revenue Code of 1954; PL 91-693

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the statutory merger of a controlled corporation into an acquiring corporation using the voting stock of the corporation controlling the merged corporation (reverse triangular merger).

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 114
NPRM Comment Period Begin	01/02/81	46 FR 114
NPRM Comment Period End	03/03/81	
Final Action	01/01/86	

Small Entity: Not Applicable

Additional Information: LR-1994.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Carolyn Swift (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, McKee.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB30

2298. INCOME TAX--EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368(a)(2)(F) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period Begin	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-135-76.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB31

2299. INCOME TAX--CORPORATE REORGANIZATION AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954; 26 USC 354 Internal Revenue Code of 1954; 26 USC 358 Internal Revenue Code of 1954; 26 USC 361 Internal Revenue Code of 1954; 26 USC 362 Internal Revenue Code of 1954; 26 USC 381 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would provide regulations with respect to amendments to the provisions of the Internal Revenue Code of 1954 dealing with bankruptcy and other insolvency reorganizations, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret those amendments.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: LR-63-81.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB29

2300. INCOME TAX--TEMPORARY REGULATIONS--REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954; 26 USC 382 Internal Revenue Code of 1954; 26 USC 381 Internal Revenue Code of 1954; 26 USC 597 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Abstract: Provision would provide temporary regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret these issues.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-230-81.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AB28

2301. DEFINED BENEFIT PLAN TERMINATIONS AND THE REVERSION OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations describe when, in fact, a defined benefit pension plan has been terminated so as to permit reversion to the employer of excess assets.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-106-83.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AF81

2302. ● NOTICE, ELECTION, AND CONSENT RULES UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 602

Abstract: The regulations would provide rules relating to notices, elections and consents required under the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period Begin	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-35-85.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH80

2303. INCOME TAX--REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period Begin	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD68

2304. INCOME TAX--REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408(a)(6) Internal Revenue Code of 1954; 26 USC 401(a)(9) Internal Revenue Code of 1954; 26 USC 408(b)(3) Internal Revenue Code of 1954; 26 USC 408(d)(3)(C) Internal Revenue Code of 1954; 26 USC 408(j) Internal Revenue Code of 1954; 26 USC 408(k) Internal Revenue Code of 1954; 26 USC 409(b)(3)(C) Internal Revenue Code of 1954; 26 USC 219(d)(4) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984 concerning required distributions from qualified plans and individual retirement accounts and partial rollovers of individual retirement accounts.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE95

2305. VARIOUS PENSION PARITY, ETC. PROVISIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AND THE ECONOMIC RECOVERY TAX ACT OF 1981

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954; 26 USC 101 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; 26 USC 404 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 457 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954; 26 USC 4972 Internal Revenue Code of 1954; PL 95-600, Sec 131 Revenue Act of 1978; PL 97-248, Sec 237; PL 97-248, Sec 238; PL 97-248, Sec 245; PL 97-248, Sec 252; ...

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 54

Abstract: Regulations will interpret changes in sections 72, 101, 401, 404, 408, 457, 1379, 2039, and 4972 of the Internal Revenue Code relating to the elimination of distinctions between corporate pension plans and plans covering self-employed individuals.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-108-82.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE84

2306. INCOME TAX--CERTAIN CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Act of 1954; 26 USC 401(k) Internal Revenue Act of 1954; 26 USC 402(a)(8) Internal Revenue Act of 1954; PL 95-600, Sec 135 Revenue Act of 1978

CFR Citation: 26 CFR 1

Abstract: Regulation will provide definitions and interpretations governing qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	11/10/81	46 FR 55544
NPRM Comment Period Begin	11/10/81	47 FR 00988
NPRM Comment Period End	02/15/82	
Notice of Hearing	02/24/82	47 FR 08028

Action	Date	FR Cite
Hearing	04/20/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-169-78.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD72

2307. NONDISCRIMINATORY COORDINATION OF DEFINED CONTRIBUTION PLANS WITH OLD AGE, SURVIVORS, AND DISABILITY INSURANCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(l) Internal Revenue Code of 1954; PL 97-248, Sec 249

CFR Citation: 26 CFR 1

Abstract: Regulations will define and interpret rules governing the integration of qualified defined contribution pension, profit sharing, and stock bonus plans with benefits paid under Social Security.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-112-82.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE93

2308. INCOME TAX--TREATMENT OF CERTAIN LUMP SUM DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 402(a)(2) Internal Revenue Code of 1954; 26 USC 402(e) Internal Revenue Code of 1954; 26 USC 403(a)(2)(A)(iii) Internal Revenue Code of 1954; 26 USC 411(d)(1) Internal Revenue Code of 1954; PL 93-406, Sec 2005 Employee Retirement Income Security Act; PL 94-455, Sec 1512 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Abstract: Regulations will provide definitions and other guidance relating to income tax treatment of certain distributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	04/30/75	40 FR 18798
NPRM Comment Period Begin	04/30/75	40 FR 18798
Corrected Notice of Proposed Rule	05/23/75	40 FR 22548
NPRM Comment Period End	06/16/75	
Notice of Hearing	07/03/75	40 FR 28102
Hearing	08/12/75	
Additional Notice of Proposed Rule	05/31/79	44 FR 31228
Comment Period until	07/30/79	44 FR 31228
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-14-78.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD73

2309. INCOME TAX--TAX-FREE ROLLOVERS OF LUMP SUM DISTRIBUTIONS AND PLAN TERMINATION PAYMENTS. LUMP SUM DISTRIBUTIONS MADE WITH RESPECT TO A DECEDENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 402(a)(5) Internal Revenue Code of 1954; 26 USC 402(a)(6) Internal Revenue Code of 1954; 26 USC 402(a)(7) Internal Revenue Code of 1954; 26 USC 401(a)(20) Internal Revenue Code of 1954; 26 USC 403(a)(4) Internal Revenue Code of 1954; 26 USC 403(a)(5) Internal Revenue Code of 1954; 26 USC 403(b)(1) Internal Revenue Code of 1954; 26 USC 403(b)(8) Internal Revenue Code of 1954; 26 USC 404(a)(2) Internal Revenue Code of 1954; 26 USC 691(c)(5) Internal Revenue Code of 1954; PL 94-267; PL 95-438, Sec 4; PL 95-600, Sec 156 Revenue Act of 1978; PL 96-222, Sec 101(a)(8)(A); ...

CFR Citation: 26 CFR 1

Abstract: This regulation provides rules governing the tax-free rollover of lump sum distributions and plan termination payments under a qualified employee plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-15-78.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD74

2310. RETIREMENT ARRANGEMENTS OF CHURCHES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954.; 26 USC 403; 26 USC 415

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance on the application of amendments to sections 403 and 415 of the Internal Revenue Code of 1954. The amendments revise the present law rules relating to tax-sheltered annuity programs maintained by churches for their employees. The new rules generally increase the ability of churches to provide retirement income for their employees and clarify the status of such programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-114-82.

Drafting attorney: Monice L. Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Monice L. Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE25

2311. INCOME TAX--TAXABILITY OF BENEFICIARY UNDER ANNUITY PURCHASE BY SEC. 501(C) ORGANIZATION OR PUBLIC SCHOOL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 403(b)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide guidance on employer contributions of funds, on behalf of employees, to regulated investment company stock (mutual funds). Employer contributions and the earnings on those contributions are exempt from income tax.

Timetable:

Action	Date	FR Cite
NPRM	02/10/78	43 FR 5852
NPRM Comment Period Begin	02/10/78	43 FR 5852
NPRM Comment Period End	04/04/78	
Partial Revised Notice	12/30/80	45 FR 85786
Hearing	06/04/81	46 FR 17229
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-17-78.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD75

2312. PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO DIVIDENDS FROM ESOP'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(k); 26 USC 116(e); 26 USC 3405(d); 26 USC 3405(l)

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: The regulations would provide guidance relating to the deduction rules when a corporation pays a dividend with respect to stock held by a tax credit employee stock ownership plan or by an employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-72-84.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG65

2313. INCOME TAX--DEDUCTION LIMITATIONS AND FUNDING RULES FOR VALUING CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(a)(1) Internal Revenue Code of 1954; 26 USC 404(a)(6) Internal Revenue Code of 1954; 26 USC 404(a)(7) Internal Revenue Code of 1954; 26 USC 404(a)(3)(A) Internal Revenue Code of 1954; 26 USC 404(g) Internal Revenue Code of 1954; 26 USC 412(c)(2)(A) Internal Revenue Code of 1954; 26 USC 413(b)(7) Internal Revenue Code of 1954; 26 USC 413(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for taking into account the fair market value of certain insurance products in the valuation of assets for pension plans. In addition, the regulations amend the regulations to reflect changes made by the Employee Retirement Income Security Act of 1974 to sections 404 and 413 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-141-79.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD76

2314. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(a)(9) Internal Revenue Code of 1954; 26 USC 415(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-152-81.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD77

2315. INCOME TAX--DEDUCTIBILITY OF PAYMENTS OF DEFERRED COMPENSATION TO INDEPENDENT CONTRACTORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(d) Internal Revenue Code of 1954; 26 USC 404(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for taking a deduction under section 404(d) of the Internal Revenue Code for deferred compensation paid to independent contractors. A deduction is permitted only when there is a corresponding income inclusion by the plan participant. In addition, the regulations provide guidance with regard to the amendment of section 404(b) of the Internal Revenue Code by section 133 of the Revenue Act of 1978, which clarified that a method of compensation or contributions having the effect of a plan deferring the receipt of compensation does not have to be similar to a stock bonus, pension, profit-sharing, or annuity plan to be subject to 404(a) of the Internal Revenue Code. The regulations describe methods of compensation or contributions subject to the section 404(a) rules. The regulations also reflect the amendment of section 404(b) of the Internal Revenue Code by the Tax Reform Act of 1984. That amendment provides that certain deferred benefits shall be treated as deferred compensation for purposes of section 404(a).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-44-79.

Drafting attorney: John C. Khil (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of revised preliminary draft of notice.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C 20224, **202 566-6212**

RIN: 1545-AD78

2316. INCOME TAX--DEDUCTION OF EMPLOYER LIABILITY PAYMENTS, NOTICE OF REORGANIZATION AND FUNDING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(g) Internal Revenue Code of 1954; 26 USC 418A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide guidance to employers on when they may deduct employer liability payments paid under section 4062, 4063, or 4064, or part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	05/20/85	50 FR 20800
NPRM Comment Period Begin	05/20/85	50 FR 20800
NPRM Comment Period End	07/19/85	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-130-80.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD80

2317. INCOME TAX--DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment Period Begin	04/08/85	50 FR 13821
NPRM Comment Period End	06/07/85	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-14-81.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4903.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD81

2318. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; PL 98-369, Sec 147

CFR Citation: 26 CFR 1

Abstract: On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended

section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation period.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period Begin	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: EE-65-83.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conway (202) 566-4902.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AF83

2319. INCOME TAX--REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; 26 USC 6699 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-49-80.

Drafting attorney: John C. Khil (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD82

2320. RETIREMENT EQUITY ACT CHANGES TO PARTICIPATION, VESTING, ETC. RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-297, Sec 301 Retirement Equity Act of 1984

CFR Citation: 26 CFR 1.410(a)-3; 26 CFR 1.410(a)-7; 26 CFR 1.411(a)-5; 26 CFR 1.411(b)-1

Abstract: These regulations provide rules relating to amendments to section 401(a)(25), 402(f), 410, 411, 6057(e), and 6652(j) of the Code, enacted by the Retirement Equity Act of 1984. The regulations will apply changes in the participation and vesting rules to plans that use the elapsed time method of service counting, and to class-year plans. In addition, the rules provide a sample notice that may be used to satisfy section 402(f). Rules governing reductions in accrued benefits will also be provided.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-95-84.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH03

2321. RESTRICTIONS ON CASH-OUTS UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.411(a) (11)-1T; 26 CFR 1.417(e)-1T

Abstract: The regulations will provide rules governing cash-outs of accrued benefits in excess of $3,500.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period Begin	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-3-85

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH01

2322. INCOME TAX--COORDINATION OF VESTING AND NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 411(d)(1) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project was developed to prescribe rules for determining if the vesting schedule of a qualified plan discriminates in favor of employees who are officers, shareholders, or highly compensated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24201
Partial Revised Notice	06/12/80	45 FR 39869
Hearing	07/10/80	45 FR 29308
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-164-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD83

2323. RULES CLARIFYING THE INCOME TAX REGULATIONS, PART 1, WITH RESPECT TO SERVICE COMPUTATION UNDER PENSION, ETC. PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 410 Internal Revenue Code of 1954; 26 USC 411 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project was undertaken in order to clarify permissible methods of crediting service by qualified plans for purposes of vesting and participation.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Not Applicable

Additional Information: EE-65-82.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Conaway, McCarty.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE39

2324. INCOME TAX--EXCISE TAX REGULATIONS--FUNDING FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412 Internal Revenue Code of 1954; 26 USC 413(b) Internal Revenue Code of 1954; PL 93-406, Sec 1013

CFR Citation: 26 CFR 1; 26 CFR 54

Abstract: The regulations would provide guidance relating to the minimum funding requirements for employee pension benefit plans, and to excise taxes for failure to meet the minimum funding standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54093
NPRM Comment Period Begin	12/01/82	47 FR 54093
NPRM Comment Period End	01/31/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-99-78.

Reviewing attorney: George B. Baker (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD84

2325. INCOME TAX--PENSION EXCISE TAXES--MISCELLANEOUS FUNDING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412(b) Internal Revenue Code of 1954; 26 USC 412(j) Internal Revenue Code of 1954; 26 USC 412(k) Internal Revenue Code of 1954; 26 USC 4971(d) Internal Revenue Code of 1954; 26 USC 414(l) Internal Revenue Code of 1954; 26 USC 412(a) Internal Revenue Code of 1954; 26 USC 413(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 54

Abstract: The regulations would provide guidance relating to the minimum funding requirements for multiemployer pension plans.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: EE-129-80.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD85

2326. INCOME TAX--DEFINITIONS & SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(b) Internal Revenue Code of 1954; 26 USC 414(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relate to the definition of controlled groups of corporations and businesses under common control for purposes of certain provisions of the Employee Retirement Income Security Act of 1974 and

pension related provisions of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	11/05/75	40 FR 51467
NPRM Comment Period Begin	11/05/75	40 FR 51467
NPRM Comment Period End	01/04/76	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-209-74.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Conaway.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AB35

2327. INCOME TAX--DEFINITIONS AND SPECIAL RULES; SERVICE FOR PREDECESSOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulation will provide guidance to employers maintaining plans on when service with a predecessor employer must or may be treated as service under their plan.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: EE-22-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD87

2328. INCOME TAX--CHURCH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(e) Internal Revenue Code of 1954; PL 96-364, Sec 407

CFR Citation: 26 CFR 1

Abstract: This regulation project relates to the determination of whether a retirement plan is a church plan. Changes to the applicable tax law were made by the Multiemployer Pension Plan Amendments Act of 1980. The regulations would provide persons responsible for the administration of retirement plans with the guidance needed to determine whether their plan is entitled to the special benefits afforded church plans.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-123-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD88

2329. INCOME TAX--EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(m) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment Period Begin	02/28/83	
NPRM Comment Period End	04/29/83	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: EE-3-81.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD90

2330. INCOME TAX REGULATIONS--AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805; 26 USC 414(n)

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain management companies as affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: EE-111-82.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Conaway.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE91

2331. LIMITATIONS ON BENEFITS AND CONTRIBUTIONS UNDER QUALIFIED PLANS

Legal Authority: 26 USC 7805; 26 USC 415; 26 USC 404(a)(3)(B); 26 USC 404(j)

CFR Citation: 26 CFR 1

Abstract: The regulations deal with the amendments to Internal Revenue Code section 415, which lower the limitations on benefits and contributions under qualified plans and the amendments to Internal Revenue Code section 404 which deal with the corresponding deduction for employer payments made to a qualified plan. The regulation also provides special rules for contributions made on behalf of disabled participants and special rules for church plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-107-82.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: **Monice Rosenbaum**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE75

2332. JOINT AND SURVIVOR ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 417 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules on how plans which intend to qualify under section 401 can comply with the qualified joint and survivor annuity rules added to the Code by the Retirement Equity Act of 1984. The regulations will deal with which plans must provide survivor annuities, in what forms the survivor annuities may be paid, the notice and election procedures for survivor annuities and restrictions on a plan's ability to cash out a participant and spouse.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-94-84.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: **William D. Gibbs**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG72

2333. INCOME TAX--REORGANIZATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for the determination of whether a multiemployer pension plan is in reorganization as described in section 418 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: EE-124-80.

Drafting attorney: Paul G. Accettura (202) 566-3544.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: **Paul G. Accettura**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD91

2334. INCOME TAX--MINIMUM CONTRIBUTION REQUIREMENT, IN GENERAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation project will focus on a special rule to compute the minimum contribution that employers must make to a multiemployer plan when the plan is in reorganization in order for the special funding requirements for multiemployer plans in reorganization to be met.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: EE-125-80.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: **Marjorie Hoffman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD92

2335. INCOME TAX--OVERBURDEN CREDIT AGAINST MINIMUM CONTRIBUTION REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide that a multiemployer plan that is in reorganization and is overburdened with retirees is eligible for a special overburden credit which will reduce the otherwise required minimum contribution requirement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-127-80.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD94

2336. INCOME TAX--ADJUSTMENTS IN ACCRUED BENEFITS; INSOLVENT PLANS; RELATED VESTING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418D Internal Revenue Code of 1954; 26 USC 418E Internal Revenue Code of 1954; 26 USC 411(a)(3) Internal Revenue Code of 1954; 26 USC 411(a)(4) Internal Revenue Code of 1954; 26 USC 411(d)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules under 26 USC 418D and 418E concerning adjustment of accrued benefits by a multiemployer plan in reorganization and suspension of benefit payments by an insolvent multiemployer plan. Conforming changes will be made to regulations under section 411 concerning permitted forfeitures and concerning the computation of the period of service in determining an employee's nonforfeitable percentage.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-128-80.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD95

2337. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1954; 26 USC 419A Internal Revenue Code of 1954; 26 USC 1239(d) Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-66-84.

Drafting attorneys: John T. Ricotta/John C. Khil (202) 566-3544 or 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta/John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3544**

RIN: 1545-AG14

2338. INCOME TAX--CREATION & TREATMENT OF INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 422A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for taxpayers who either grant or receive incentive stock options. The grant of an incentive stock option to an employee by an employer will not be a taxable event. At the time such option is exercised by the employee no amount of the spread between the fair market value of the stock at exercise and the option price will be included in the employee's gross income. When the stock acquired through the exercise of the option is sold, the entire gain will be treated as capital gain and not ordinary income if certain holding period and employment relationship requirements are met.

Timetable:

Action	Date	FR Cite
NPRM	02/07/84	49 FR 4504
NPRM Comment Period Begin	02/07/84	49 FR 4504
NPRM Comment Period End	04/09/84	
Public Hearing Held	06/21/84	49 FR 17040
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-279-81.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Treasury attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB36

2339. INCOME TAX--REQUESTS FOR CHANGE OF METHOD OF ACCOUNTING FROM AN ERRONEOUS METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 446(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify the procedures for changing from an erroneous method of accounting to a proper method of accounting. Generally, taxpayers must obtain the Commissioner's consent to change their method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-188-79.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB37

2340. INCOME TAX--CLARIFICATION OF RELATIONSHIP BETWEEN SECTIONS 446(E) AND 481

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 446(e) Internal Revenue Code of 1954; 26 USC 481 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify that in order to secure the Commissioner's permission to adopt a new accounting method the taxpayer

must take any adjustment required by section 481 into income over the period prescribed by the Commissioner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-47-80.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB38

2341. INCOME TAX--METHOD OF ACCOUNTING FOR CORPORATIONS ENGAGED IN FARMING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 447 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions needed to determine which corporations and partnerships with a corporate partner are subject to the requirement that income from farming be reported on the accrual method of accounting with the capitalization of preproductive expenses.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-143-76.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: assigned.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AB39

2342. INCOME TAX--TO CLARIFY TREATMENT OF CERTAIN COSTS INCURRED WITH RESPECT TO LONG TERM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 451 Internal Revenue Code of 1954; Tax Equity and Fiscal Responsibility Act of 1982, Section 229

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify when contracts are completed and when contracts are to be severed or aggregated. The regulations would also provide rules for determining the costs properly allocable to extended period long-term contracts.

Timetable:

Action	Date	FR Cite
NPRM	03/14/83	48 FR 10702
NPRM Comment Period Begin	03/14/83	48 FR 10702
NPRM Comment Period End	05/13/83	
Hearing	06/29/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-274-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton; Elfman.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N. W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB40

2343. INCOME TAX--GENERAL RULES RELATING TO INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period Begin	02/04/81	46 FR 10749
NPRM Comment Period End	04/06/81	
Hearing	10/01/81	46 FR 40774
Final Action	12/00/85	

Small Entity: Yes

Additional Information: LR-173-80.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AB42

2344. INCOME TAX REGULATIONS--PART I. INSTALLMENT SALES BY NONTAXABLE ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide rules relating to installment sales by nontaxable entities and the election provision by foreign personal holding companies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: LR-143-83.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AF73

2345. INCOME TAX REGULATIONS--PART 1--SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: LR-54-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG37

2346. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED FROM A LIQUIDATING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period Begin	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-184-80.

Drafting attorney: Linda Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB43

2347. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-186-80.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB44

2348. INCOME TAX--INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-2-81.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB45

2349. INCOME TAX--INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-146-81.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB47

2350. INCOME TAX -- GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-103-81.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB41

2351. INCOME TAX--INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-147-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB46

2352. INCOME TAX REGULATIONS--PART 1. INSTALLMENT SALE BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide rules relating to sales by dealers of personal property on the installment plan.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Additional Information: LR-141-83.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF71

2353. INCOME TAX--EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 458 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-195-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB48

2354. INCOME TAX--TREATMENT OF PREPAID INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to cash basis taxpayers regarding the deductibility of interest allocable to periods beyond the close of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-76.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB49

2355. INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-258-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH32

2356. TEMPORARY INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 (h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-257-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH33

2357. TEMPORARY INCOME TAX REGULATIONS--TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-161-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH31

2358. INCOME TAX REGULATIONS--TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 (i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-259-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH35

2359. INCOME TAX--ACCRUAL OF VACATION PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 463 Internal Revenue Code of 1954; 26 USC 81 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules which require a taxpayer to include in its gross income for the taxable year the amount of the increase, if any, in the suspense account created under section 463. The regulation will also provide rules under section 463 which allow a taxpayer who computes income on the accrual method of accounting to deduct its accrued liabilities for vacation pay in the year the vacation pay is earned by the employee so long as such pay is payable or expected to be paid during the tax year or twelve month period following the close of the year.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-6-75.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mark Perlis.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB50

2360. INCOME TAXES--ELECTION FOR ACCRUED VACATION PAY UNDER TRANSITIONAL RULE PROVIDED IN SECTION 91(I) OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 463

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules relating to the election for accrued vacation pay under the transitional rule provided in section 91 (i) of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-255-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3828.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH16

2361. INCOME TAX--LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 464 Internal Revenue Code of 1954; 26 USC 278(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, etcetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyards to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period Begin	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	
Hearing	03/08/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-144-76.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: Cynthia C. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: Ewan D. Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB51

2362. INCOME TAX--DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954; Section 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period Begin	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	
Hearing	09/27/79	44 FR 49701
Final Action	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-168-76.

Drafting attorneys: Alice Bennett and Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Alice Bennett or Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB52

2363. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-192-78.

Drafting attorneys: Alice Bennett and Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Alice Bennett or Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF86

2364. ● AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity. The aggregation rules will apply to taxable years beginning after December 31, 1984.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-108-85.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Rick D'Avino (202) 566-4979.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AI02

2365. INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 467 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the accrued of rent for the use of tangible property (and interest on rent that accrued but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be deferred. Certain tax avoidance transactions will be deferred. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-293-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Jeffrey Quinn (202) 566-2175.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG80

2366. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 467 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be deferred. Certain tax avoidance transactions will be deferred. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-292-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Jeffrey Quinn (202) 566-2175.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG81

2367. TEMPORARY INCOME TAX REGULATION--SPECIAL RULES RELATING TO NUCLEAR DECOMMISSIONING COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 468A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the treatment of nuclear power plant decommissioning costs. The regulations will provide guidance with respect to the manner of making the election, the determination of the amount to be deducted and the qualification requirements for the nuclear decommissioning fund.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-228-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH08

2368. ● INCOME TAX REGULATIONS--SPECIAL RULES RELATING TO NUCLEAR DECOMMISSIONING COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 468A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the Federal income tax treatment of nuclear power plant decommissioning costs. The regulations will provide guidance with respect to the manner of making the election, the determination of the amount to be deducted, and the qualification requirements for the nuclear decommissioning fund.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR 18-85.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI01

2369. INCOME TAX--THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING; VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 472(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	48 FR 6134
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-254-81.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB55

2370. INVENTORY COMPUTED BY USE OF CONSUMER OR PRODUCER PRICE INDEXES

Legal Authority: 26 USC 472 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide examples and further clarification of the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-57-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF65

2371. INCOME TAX--QUALIFIED LIQUIDATIONS OF LIFO INVENTORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 473 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide interpretative and procedural rules relating to qualified liquidations of certain inventories accounted for under the LIFO method.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-82-80.

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB56

2372. USE OF ONE INVENTORY POOL BY SMALL BUSINESS ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 474 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project provides regulations pertaining to an election by a small business, which employs the dollar value LIFO method of pricing inventories, to use a single inventory pool. The regulations define "small business," thereby giving the rules of eligibility under this provision. Further, the regulations set forth the procedures of making a proper election and give transitional rules to govern pricing in the year of election.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	

Small Entity: Not Applicable

Additional Information: LR-185-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, ATTN: CC:LR:T, **202 566-3238**

RIN: 1545-AF92

2373. INCOME TAX--MAXIMUM RATE OF IMPUTED INTEREST FOR SALE OF LAND BETWEEN RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 483(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for determining if sales of land between related persons qualify for a lower imputed rate of interest. More specifically, the regulations would provide for a definition of land and for rules to compute the maximum dollar limitation on which the lower imputed rate of interest is to apply.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-246-81.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB58

2374. INCOME TAX--SEMIANNUAL COMPOUNDING OF THE TEST RATE UNDER SECTION 483

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 483 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide for the semiannual compounding of the test rate of interest used to determine if a deferred payments contract contains unstated interest. Thus, in the case of a contract for the sale of property that provides for no interest or an unreasonably low rate of interest that does not satisfy the test rate of interest compounded semiannually, interest will be imputed under the contract.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-12-83.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: **Ewan Purkiss**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF59

2375. INCOME TAX-CHILD CARE ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Nonprofit organizations which provide care for children are deemed to be tax-exempt if substantially all of the child care provided by the organization is for the purpose of enabling individuals (the parents) to be gainfully employed and the services are available to the general public.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-75-84.

Drafting attorney: Ronald Weinstock (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: **Ronald Weinstock**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AG64

2376. INCOME TAX--RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(c)(12) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test. In addition, the regulations would solicit comments from the public regarding how to compute costs of goods sold.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period Begin	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-17-81.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Jewett; McCarty.

Agency Contact: **Roberto E. Rivera**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD99

2377. INCOME TAX--AMENDMENT OF REGULATIONS TO REFLECT THE GRANT OF TAX EXEMPT STATUS TO CERTAIN HOSPITAL SERVICE ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide the rules for tax exemption for cooperative hospital service organizations. These organizations provide specified services to exempt hospitals on a centralized basis.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1384
NPRM Comment Period Begin	01/11/84	
NPRM Comment Period End	03/12/84	
Hearing	05/31/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: EE-44-78.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: **Sylvia F. Hunt**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AE01

2378. INCOME TAX--TAX TREATMENT OF CERTAIN SOCIAL CLUBS & PROHIBITION OF DISCRIMINATION BY CERTAIN SOCIAL CLUBS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(c)(7) Internal Revenue Code of 1954; 26 USC 501(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations describe the requirements that a club must meet to qualify for tax exemption, explain the social character required of an exempt club, and prescribe the circumstances in which nonmember support is taken into account in determining whether substantially all of the club's activities are for its exempt purposes. Exemption

is denied to clubs which by written policy discriminate on the basis of race, color, or religion.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-43-78.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McDowell.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545–AD98

2379. NONDISCRIMINATION REQUIREMENTS UNDER SECTIONS 501 (C) (9) AND (20)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 505 (a) Internal Revenue Code of 1954; 26 USC 505 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to the nondiscrimination requirements for voluntary employees' beneficiary associations and group legal service plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-68-84.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AG23

2380. NOTIFICATION REQUIREMENT FOR SECTION 501(C) (9) AND (20) ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 505 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Section 505(c) requires that new VEBAs group legal service plans and plans providing for the payment of supplemental unemployment must timely file and advise the Service that it is applying for tax exempt status.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-69-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545–AG44

2381. INCOME TAX--SOCIAL CLUBS UNRELATED BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 512(a)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for determining the unrelated business taxable income of certain organizations exempt from taxation under sections 501 (c) (7) and (c) (9) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/13/71	36 FR 8808
NPRM Comment Period Begin	05/13/71	36 FR 8808
NPRM Comment Period End	06/14/71	
Hearing	08/31/71	36 FR 13034
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-105-83.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545–AB59

2382. INCOME TAX--HOSPITAL SERVICES NOT TO CONSTITUTE AN UNRELATED TRADE OR BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 513(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules relating to the circumstances under which services provided by a tax-exempt hospital to other such hospitals will not be treated as an unrelated trade or business.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55696
NPRM Comment Period Begin	12/13/82	47 FR 55696
NPRM Comment Period End	02/08/83	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-46-78.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kent Mason (202) 535-6964.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AE05

2383. INCOME TAX--UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 512(a) Internal Revenue Code of 1954; 26 USC 514(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-27-81.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE00

2384. INCOME TAX--RATES OF TAX FOR PRINCIPAL CAMPAIGN COMMITTEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 527 Internal Revenue Code of 1954; PL 97-34, Sec 128

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the manner of designation of a principal campaign committee by a member of Congress. A candidate for Congress may make such a designation in order to permit a campaign committee to compute its income tax by multiplying its political organization taxable income by the appropriate rates of tax specified in section 11 (b) of the Code.

Timetable:

Action	Date	FR Cite
NPRM	04/20/83	48 FR 16911
NPRM Comment Period Begin	04/20/83	48 FR 16911
NPRM Comment Period End	06/20/83	
Final Action	09/30/85	

Small Entity: Not Applicable

Additional Information: LR-243-81.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Reinhold.

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AB60

2385. INCOME TAX--LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 585 Internal Revenue Code of 1954; PL 97-34, Sec 273

CFR Citation: 26 CFR 1

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period Begin	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	
Final Action	10/00/85	

Small Entity: No

Additional Information: LR-152-79.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: Susan Thompson Baker (202) 566-3294.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB66

2386. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 595 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-83-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr., (202) 566-3294.

Office of Tax Legislative Counsel reviewing attorney: Andrew E. Furer (202) 566-2927.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AF00

2387. INCOME TAX--RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 612 Internal Revenue Code of 1954; 26 USC 613 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Additional Information: LR-1148.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB69

2388. INCOME TAX--SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 613(A) Internal Revenue Code of 1954; 26 USC 703(a) Internal Revenue Code of 1954; 26 USC 705(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	
Hearing	08/31/78	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-105-75.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB73

2389. INCOME TAX--TO CONFORM TO SEC 3 OF THE ACT OF 12/28/80

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 613A(c)(10) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period Begin	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	
Final Action	07/31/86	

Small Entity: Not Applicable

Additional Information: LR-35-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB74

2390. INCOME TAX--DISALLOWANCE OF CERTAIN ITEMS AS DEDUCTIONS FOR ESTATE AND INCOME TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 642(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide that section 2053 and 2054 deductions are not allowed in computing the taxable income of the estate or any other person or as an offset against sales of property unless a waiver is filed stating that on the estate tax return these deductions were not claimed.

Timetable:

Action	Date	FR Cite
NPRM	02/08/83	48 FR 5762
NPRM Comment Period Begin	02/08/83	48 FR 5762
NPRM Comment Period End	04/11/83	
Final Action	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-183-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB75

2391. ● PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SEC: 81 AND 82 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 643 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-34-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3287**

RIN: 1545-AI06

2392. INCOME TAX--SPECIAL RULE FOR PROPERTY TRANSFERRED AT LESS THAN FAIR MARKET VALUE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 644 Internal

Revenue Code of 1954; 26 USC 641(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will explain how to compute the tax imposed by section 644 on the includible gain recognized on the sale or exchange within two years after transfer to a trust of certain property.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-188-76.

Drafting attorney: Margaret M. O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: Garlock.

Agency Contact: **Margaret M. O'Connor**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB76

2393. INCOME TAX--PROCEDURE & ADMINISTRATION--ACCUMULATION TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 667 Internal Revenue Code of 1954; 26 USC 666(e) Internal Revenue Code of 1954; 26 USC 668 Internal Revenue Code of 1954; 26 USC 665(b) Internal Revenue Code of 1954; 26 USC 665(e) to 665(g) Internal Revenue Code of 1954; 26 USC 669 Internal Revenue Code of 1954; 26 USC 1302(a)(2)(B) Internal Revenue Code of 1954; 26 USC 1302(b)(2)(B) Internal Revenue Code of 1954; 26 USC 6401(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: These regulations will clarify the amount of tax imposed on a beneficiary for distributions from a trust of income accumulated by the trust in prior tax years.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-184-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: **Fred E. Grundeman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB78

2394. INCOME TAX--PROCEDURE & ADMINISTRATION--FOREIGN TRUSTS HAVING U.S. BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 679 Internal Revenue Code of 1954; 26 USC 678(b) Internal Revenue Code of 1954; 26 USC 643(a) Internal Revenue Code of 1954; 26 USC 643(c)(6)(C) Internal Revenue Code of 1954; 26 USC 643(c)(6)(D) Internal Revenue Code of 1954; 26 USC 643(d) Internal Revenue Code of 1954; 26 USC 6048 Internal Revenue Code of 1954; 26 USC 6677 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: These regulations will provide to what extent a grantor of a foreign trust with United States beneficiaries will be treated as an owner of that trust, and thus taxed currently on the trust's income.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Not Applicable

Additional Information: LR-187-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Agency Contact: **Fred E. Grundeman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB79

2395. INCOME TAX--DETERMINATION OF PARTNER'S DISTRIBUTIVE SHARE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 704(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules and examples relating to the substantial economic effect test and the determination of a partner's interest in the partnership.

Timetable:

Action	Date	FR Cite
NPRM	03/09/83	48 FR 9871
NPRM Comment Period Begin	03/09/83	48 FR 9871
NPRM Comment Period End	04/27/83	
Final Action	01/01/86	

Small Entity: Not Applicable

Additional Information: LR-262-76.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: **John Schmalz**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB80

2396. AMENDMENT OF SECTION 1.704-1 TO PROVIDE RULES ON PARTNER'S DISTRIBUTIVE SHARES OF ITEMS ATTRIB. TO NONRECOURSE DEBT AND THE INTERRELATIONSHIP OF SUBSECTIONS (B) AND (C) OF SECTION 704

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1

Abstract: This project will provide proposed regulations under section 704 (b) relating to a partner's distributive share of losses and deductions attributable to nonrecourse debt. Rules concerning the interrelationship between section 704 (b) and (c) will also be provided.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	

Small Entity: Not Applicable

Additional Information: LR-191-83.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: James Lokey (202) 566-4518.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG00

2397. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 704(c)

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	

Small Entity: No

Additional Information: LR-164-83.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Blake Rubin (202) 566-6963.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG98

2398. INCOME TAX--ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 706(d) Internal Revenue Code of 1954; 26 USC 704 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite
NPRM	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-265-76.

Drafting attorney: Robert Ginsburgh (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB81

2399. INCOME TAX--TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 707 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-234-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG83

2400. AMENDMENT OF INCOME TAX REGULATIONS WITH RESPECT TO TREATMENT OF DISGUISED SALES BY PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 707 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-163-84.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kimmelfield.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH22

2401. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 724 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-232-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG85

2402. INCOME TAX--TREATMENT OF UNREALIZED RECEIVABLES AND INVENTORY ITEMS HELD BY TIERED PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the treatment of unrealized receivables and inventory items held by tiered partnerships.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-235-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH67

2403. PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-229-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: James Lokey/Richard D'Avino (202) 566-8278.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH26

2404. ◎ TEMPORARY REGULATIONS RELATING TO THE MORTALITY AND MORBIDITY TABLES TO BE USED FOR INSURANCE PRODUCTS FOR WHICH THERE ARE NO APPLICABLE COMMISSIONER'S TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 807(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: This project will provide rules relating to the mortality and morbidity tables to be used in computing reserves for life insurance contracts for which there are no applicable Commissioner's standard tables.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-50-85.

Drafting attorney: Sharon Hall (202) 566-3828.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH98

2405. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 809(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-159-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Alice Bennett (202) 566-3238.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG63

2406. TEMPORARY INCOME TAX REGULATIONS- DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 817 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: The regulations will provide diversification requirements for variable annuity, endowment and life insurance contracts. The requirements will also provide rules relating to the testing of diversification for variable periods, and applicable effective dates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-294-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG78

2407. INCOME TAX REGULATIONS-DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 817 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide diversification requirements for variable annuity, endowment, and life insurance contracts. The testing of diversification for various periods and applicable effective dates.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-295-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: **Linda M. Kroening**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG79

2408. TREATMENT OF GRADED PREMIUM POLICIES UNDER THE APPROXIMATE REVALUATION METHOD OF RECOMPUTING RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 818(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the treatment by life insurance companies of graded premium policies for purposes of recomputing life insurance reserves under the approximate revaluation method.

Timetable:

Action	Date	FR Cite
NPRM	11/08/83	48 FR 51331
NPRM Comment Period Begin	11/08/83	48 FR 51331
NPRM Comment Period End	01/09/84	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-276-82.

Drafting attorney: Alice Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: **Alice Bennett**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF03

2409. INCOME TAX--TO CLARIFY THE TREATMENT OF CERTAIN AMOUNTS REFUNDED IN REINSURANCE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 809 Internal Revenue Code of 1954; 26 USC 820 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rules will clarify the treatment of certain amounts refunded in reinsurance transaction, and provide rules with respect to the allocation of certain items in modified coinsurance contracts for purposes of an election under section 820. These regulations would affect life insurance companies that enter into coinsurance and modified coinsurance transactions.

Timetable:

Action	Date	FR Cite
NPRM	03/19/82	47 FR 11882
NPRM Comment Period Begin	03/19/82	47 FR 11882
NPRM Comment Period End	05/18/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-276-81.

Drafting attorney: Alice Bennett (202)566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: **Alice Bennett**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB86

2410. EXTENSION OF HOLDING PERIOD FOR LOSSES ATTRIBUTABLE TO CAPITAL GAIN DIVIDENDS OF RIC'S AND REIT'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 852 Internal Revenue Code of 1954; 26 USC 857 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulations would interpret the rules of sections 852 and 857 dealing with the extension of holding period for losses attributable to capital gain dividends of REIT's and RIC's and also dealing with personal holding companies eligible for RIC status.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-263-84.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: **Bennett C. Steinhauer**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AH64

2411. INCOME TAX--SOURCE OF INCOME OF UNDERWRITING INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861(a)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules for determining whether the source of underwriting income is income from sources within the United States to be included in gross income and for clarifying the meaning of United States risks upon which such income determination is made.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-71-77.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB89

2412. SOURCE OF INTEREST AND DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would treat interest and dividends paid by a domestic corporation having substantial gross income from certain possessions of the United States as income from sources within the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/29/82	47 FR 57972
NPRM Comment Period Begin	12/29/82	47 FR 57972
NPRM Comment Period End	02/28/83	
Hearing	05/24/83	48 FR 11465
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-296-82.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steve Shay.

Notice of Proposed rulemaking published. Hearing held.

In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF15

2413. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SEC. 1.861-8 TO PROVIDE FOR THE ALLOCATION AND APPORTIONMENT OF PARTNERSHIP EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue of Code 1954; 26 USC 861 Internal Revenue of Code 1954; 26 USC 882 Internal Revenue of Code 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will indicate whether partnership expenses are to be allocated and apportioned under Sec. 1.861-8 of the partnership level or at the partner level.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22344
NPRM Comment Period Begin	05/29/84	
NPRM Comment Period End	07/30/84	
Final Action	03/00/86	

Small Entity: No

Additional Information: LR-101-83.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF57

2414. ● REGULATIONS RELATING TO THE APPLICATION OF SECTIONS 864 AND 956 TO RELATED PARTY INTERNATIONAL FACTORING TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 864(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the treatment of income derived by foreign corporations from factoring the receivables of related persons.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-10-85.

Drafting attorney: Marnie Carro (202) 566-3289.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH85

2415. INCOME TAX--ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: The regulations would provide rules with respect to the taxation of original issue discount on bonds and obligations held by nonresident alien individuals and foreign corporations. The regulations would also provide guidance to withholding agents for withholding tax on original issue discount on such bonds and obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/12/76	41 FR 28517
NPRM Comment Period Begin	07/12/76	41 FR 28517
NPRM Comment Period End	09/09/76	
Hearing	11/18/76	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2043.

Drafting attorney: Unassigned.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3289**

RIN: 1545-AB93

2416. REPEAL OF 30 PERCENT WITHHOLDING BY THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the definition of portfolio interest, the certifications required in the case of obligations that are issued in registered form, and related matters.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-168-84

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG66

2417. EMPLOYMENT TAXES: APPLICATION OF THE REPEAL OF 30% WITHHOLDING BY THE TAX REFORM ACT OF 1984 AND OF INFORMATION REPORTING AND BACKUP WITHHOLDING IN LIGHT OF SUCH REPEAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954; 26 USC 6049 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide rules relating to the repeal of 30 percent withholding by the Tax Reform Act of 1984 and to the application of information reporting and backup withholding in light of such repeal.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33275
NPRM Comment Period Begin	08/22/84	49 FR 33275
NPRM Comment Period End	10/22/84	
Hearing Held	01/28/85	49 FR 47870
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-179-84.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH15

2418. ● TEMPORARY INCOME TAX REGULATIONS UNDER SECTIONS 163 RELATING TO REGISTRATION-REQUIRED OBLIGATIONS AND UNDER SECTIONS 871 AND 881 RELATING TO THE PARTIAL REPEAL OF 30 PERCENT WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 35a

Abstract: These regulations provide rules as to the application of the TEFRA registration requirements and the issuer sanctions under sections 163 (f)(1) and 4701 to certificates of interest in certain pooled funds and pooled trusts. These regulations also provide revised rules on the requirement of a certification of beneficial non-United States ownership of a foreign-targeted registered obligation. Further, these regulations change the effective date provisions and the place of payment provision in the temporary regulations under section 163 (f)(2)(B).

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	
NPRM Comment Period Begin	08/15/85	
NPRM Comment Period End	10/15/85	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-49-85.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorneys: Charles C. Saverude (202) 566-3323 and Carol Doran Klein (202) 566-3289.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH90

2419. INCOME TAX--RULES FOR DETERMINING WHETHER LOANS OR NET LEASES ARE COMMERCIAL ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 892 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would establish the activities with respect to loans or the ownership of real property that will be considered investment activities of foreign sovereigns. Income from such investments by foreign sovereigns would be exempt from U.S. tax.

Timetable:

Action	Date	FR Cite
NPRM	07/22/80	
NPRM Comment Period Begin	07/22/80	
NPRM Comment Period End	09/22/80	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-110-80.

Drafting attorney: Unassigned.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorneys: Andrus, Lainoff.

Agency Contact: Unassigned, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB94

2420. INCOME TAX--PARTNERSHIP, TRUST, AND ESTATE RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897(e)(2) Internal Revenue Code of 1954; 26 USC 897(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-37-82.

Drafting attorney: Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB98

2421. NOTICE OF PROPOSED RULEMAKING--NONRECOGNITION CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 897 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules concerning the effect of certain distributions, including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-297-82.

Drafting attorney: Unassigned.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorneys: Wold, Granwell.

Agency Contact: Unassigned, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF17

2422. INCOME TAX--TO CLARIFY RULES FOR DETERMINING EARNINGS & PROFITS OF A FOREIGN CORPORATION & AMOUNT OF CREDITABLE FOREIGN TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 902 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide one consistent method for determining the earnings and profits of a foreign corporation for all purposes. The regulation will also provide new rules concerning the determination of an entity's functional currency and the recognition of currency gain or loss on transactions that are denominated in a foreign currency.

Timetable:

Action	Date	FR Cite
NPRM	01/31/86	

Small Entity: Not Applicable

Additional Information: LR-196-75.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorneys: Carol Doran Klein (202) 566-3289, Charles C. Saverude (202) 566-3323

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Draft of notice to Office of International Tax Counsel (Treasury), 07/09/82.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC02

2423. INCOME TAX--RECAPTURE OF OVERALL FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904(f) Internal Revenue Code of 1954; PL 97-248, Sec 211

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the amount of and recapturing overall foreign losses. An overall foreign loss under any one of the separate limitations on the foreign tax credit may offset the taxpayer's United States tax on United States source income in the year of the loss. The recapture rules provide that a portion of the taxpayer's foreign taxable income under the same limitation in subsequent years is to be recharacterized as United States source income, thereby reducing the taxpayer's foreign tax credit and preventing a double tax benefit from the loss.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-3-77.

Drafting attorney: Nerman D. Hubbard (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC05

2424. ● PROPOSED REGULATIONS RELATING TO CERTAIN AMOUNTS TREATED AS INTEREST FOR PURPOSES OF THE LIMITATION ON THE FOREIGN TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904 (d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the treatment of interest income of a U.S. person that is attributable to separate limitation interest income of a RIC or certain foreign corporations for purposes of the separate foreign tax credit limitations for interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-61-85.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH84

2425. INCOME TAX--PROCEDURE & ADMINISTRATION--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-34-81.

Drafting attorney: Carol Doran Klein (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Draft of the notice to International Tax Counsel of October 19, 1982.

Agency Contact: Carol Doran Klein, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC06

2426. INCOME TAX--TEMPORARY REGULATIONS--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 4

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-118-82.

Drafting attorney: Carol Doran Klein (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay

Draft of the Treasury decision to International Tax Counsel, on October 19, 1982.

Agency Contact: Carol Doran Klein, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC09

2427. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 907 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-193-82.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Mary Frances Pearson (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AE34

2428. ● FSC GENERAL RULES, REQUIREMENTS, DEFINITIONS, AND SPECIAL RULES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 921 Internal Revenue Code of 1954; 26 USC 922 Internal Revenue Code of 1954; 26 USC 927 Internal Revenue Code of 1954; 26 USC 367 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide general rules regarding the requirements that a corporation must meet to be a foreign sales corporation (FSC) (or small FSC) and tax treatment of a FSC (or a small FSC) and specific rules regarding the requirements for FSC or small FSC status, the methods of elections and terminating FSC status, and the definition of and computation of carrying charges on sales of property by an FSC.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48322
NPRM Comment Period Begin	12/12/84	49 FR 48322
NPRM Comment Period End	02/11/85	
Hearing held	05/13/85	
Final Action	04/00/86	

Small Entity: Not Applicable

Additional Information: LR-167-84.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Jack Feldman (202) 566-3289.

Treasury attorney: J. Sarosdy (202) 566-3289.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG67

2429. INCOME TAX REGULATIONS RELATING TO FOREIGN MANAGEMENT AND FOREIGN ECONOMIC PROCESSES REQUIREMENTS OF A FOREIGN SALES CORPORATION

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 924 (d) (4) Internal Revenue Code of 1954; 26 USC 925(b) Internal Revenue Code of 1954; 26 USC 927(d) (2) (B) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide rules for determining whether a FSC shall be treated as having foreign trading gross receipts by complying with the requirement that certain management activities of the FSC take place outside the United States, and rules for determining whether a transaction is treated as producing foreign trading gross receipts because certain sales activities and activities relating to the disposition of export property are performed by the FSC outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48321
NPRM Comment Period Begin	12/12/84	49 FR 48321
NPRM Comment Period End	02/11/85	
Final Action	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-134-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Jack Feldman (202) 566-3289.

Treasury attorneys: Jane Sarosdy and Stephen Shay.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH10

2430. AMENDMENT OF REGULATIONS UNDER SECTIONS 934 AND 936 TO CONFORM TO CHANGES MADE BY SECTION 213 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 936 Internal Revenue Code of 1954; 26 USC 934 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would amend sections 936 and 934 of the Internal Revenue Code of 1954 to conform to changes made by section 213 of the Tax Equity and Responsibility Act of 1982. These changes relate to the Puerto Rico and possession tax credit and the income tax liability incurred to the Virgin Island general rules.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/82	47 FR 53746
ANPRM Comment Period Begin	11/29/82	47 FR 53746
ANPRM Comment Period End	12/29/82	
NPRM	01/10/84	49 FR 1227
NPRM Comment Period Begin	01/10/84	49 FR 1227
NPRM Comment Period End	03/12/84	
Hearing	04/03/84	49 FR 1243
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-194-82.

Drafting attorneys: Carol Doran Klein and Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steven Lainoff.

Agency Contact: Carol Doran Klein and Jacob Feldman, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF21

2431. INCOME TAX--DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 936(d)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-106-77.

Drafting attorney: Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC10

2432. CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 954 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-197-82.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steve Lainoff.

In Legislation and Regulations Division for preparation of a Notice of Proposed Rulemaking.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AE38

2433. TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 995 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: The Regulations will provide questions and answers relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-172-84.

Drafting attorney: Joseph M. Rosenthal (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Jane Sarosdy (202) 566-8275.

Agency Contact: Joseph M. Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG71

2434. INCOME TAX--BASIS OF CERTAIN APPRECIATED PROPERTY TRANSFERRED TO DECEDENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1014(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will explain the denial of a stepped-up basis for appreciated property acquired by decedent through gift within one year of death if such property passes, directly or indirectly, from donee-decedent to original donor or the donor's spouse.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-235-81.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC18

2435. RULES RELATING TO THE INAPPLICABILITY OF SECTION 1031 TO PARTNERSHIP INTERESTS AND THE LIMITATION ON THE PERIOD DURING WHICH LIKE KIND EXCHANGES MAY BE MADE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-237-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH43

2436. STOCK SALES, ETC, TO AND BY ESOP'S, ETC

Legal Authority: 26 USC 1042 Internal Revenue Code of 1954; 26 USC 4978 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance concerning the tax treatment of gain on certain sales of stock to and by ESOP's, etc.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-71-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AG21

2437. INCOME TAX--BASIS LIMITATION & RECAPTURE OF DEPRECIATION ON PLAYER CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1056 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the basis of player contracts acquired by a purchaser upon the sale or exchange of a sports franchise. Generally, the purchaser's basis with respect to player contracts is to be determined by reference to the seller's adjusted basis and the gain the seller recognizes from the transfer of the player contracts. Exceptions are provided in the cases of certain corporate one-year liquidations, certain like-kind exchanges and for certain transfers relating to decedents. Furthermore, a presumption is provided that in the sale or exchange of a sports franchise, not more than 50-percent of the consideration will be allocable to player contracts unless the taxpayer can satisfy the Secretary it is proper to allocate an amount in excess of 50-percent.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-222-76.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AC19

2438. INCOME TAX--TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1058 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment Period Begin	07/26/83	48 FR 33912
NPRM Comment Period End	09/26/83	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-182-78.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AC20

2439. INCOME TAX--NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1059 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1954 relating to the non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 246 (c), etc.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Additional Information: LR-260-84.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH41

2440. INCOME TAX--TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 Internal Revenue Code of 1954; 26 USC 6653 Internal Revenue Code of 1954; 26 USC 263(g) Internal Revenue Code of 1954; 26 USC 1256 Internal Revenue Code of 1954; 26 USC 1212 Internal Revenue Code of 1954; 26 USC 1236 Internal Revenue Code of 1954; 26 USC 1234A Internal Revenue Code of 1954; 26 USC 1232 Internal Revenue Code of 1954; 26 USC 1221 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-187-81.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: John M. Fischer (202) 566-3394.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC21

2441. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 (b) (1) Internal Revenue Code of 1954; 26 USC 1092 (b) (2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period Begin	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	
Public hearing held	05/02/85	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-299-84.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Susan McDowell (202) 566-8278.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AH59

2442. INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period Begin	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	
Public hearing held	05/02/85	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-297-84.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: John M. Fischer (202) 566-3294.

Treasury attorney: Linda Carlisle (202) 566-4519.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AH60

2443. INCOME TAX--TIME FOR DETERMINING RELATEDNESS UNDER SECTION 1239--RELATING TO TRANSFER OF DEPRECIABLE PROPERTY BETWEEN RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1239 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rule will provide that 80 percent relatedness determination under section 1239 is determined immediately before or after the sale or exchange of depreciable assets. A determination of relatedness under section 1239 converts what would otherwise be capital gain into ordinary gain.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00667
NPRM Comment Period Begin	01/05/83	48 FR 00667
NPRM Comment Period End	03/07/83	
Final Action	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-104-81.

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AC29

2444. INCOME TAX--GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1248 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-232-76.

Drafting attorney: Carol Doran Klein (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

In Legislation and Regulations Division for revision of notice of proposed rulemaking.

Agency Contact: Carol Doran Klein, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC31

2445. INCOME TAX--TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1253 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-81.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel attorney: Fairlea Sheehy.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AC34

2446. INCOME TAX--GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1254 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954; Tax Reform Act of 1976, Section 705; Tax Reform Act of 1976, Section 1901; Energy Tax Act of 1978, Section 402

CFR Citation: 26 CFR 1

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39512
NPRM Comment Period Begin	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	
Hearing	09/09/80	
Final Action Effective	12/31/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-276-76.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AC35

2447. INCOME TAX--TEMPORARY REGULATIONS UNDER SECTION 1274 AND 483 RELATING TO DEFERRED PAYMENTS UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 1274 Internal Revenue Code; 26 USC 483 Internal Revenue Code; 26 USC 7805 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance under section 1274 with respect to the determination of the issue price (for the purposes of the original issue discount rules) of a debt instrument issued for property when neither the debt instrument nor the property is publicly traded. The regulations would also provide guidance under code section 483 relating to the manner in which unstated interest accrues in the case of a contract for the sale or exchange of property where there is inadequate stated interest.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-158-84.

Drafting Attorney: Ewan Purkiss (202) 566-3238.

Reviewing Attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorneys: David Garlock/Jeff Quinn.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG59

2448. REGULATIONS UNDER SECTION 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1275 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computer based, on constant interest accrual. Guidance is also provided as to the computation of original issue discount in special circumstances where the bond contains a variable interest rate, where put and call options are present, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	09/01/85	

Small Entity: Not Applicable

Additional Information: LR-189-84.

Drafting attorney: Theresa E. Bearman (202) 566-3459.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Theresa E. Bearman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH46

2449. ● DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1276 Internal Revenue Code of 1954; 26 USC 1278 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the Treatment of Gain Realized on the Disposition of any Market Discount Bond as Ordinary Income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-21-85.

Drafting attorney: Michel A. Daze' (202) 566-3829.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Agency Contact: Michel A. Daze', Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C.20224, **202 566-3829**

RIN: 1545-AH82

2450. ● INCOME TAX-TREATMENT OF STRIPPED BONDS AND STRIPPED COUPON

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1286 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
NPRM	01/01/86	

Small Entity: Not Applicable

Additional Information: LR-19-85.

Drafting attorney: Theresa E. Bearman (202) 566-3459.

Reviewing attorney: George T. Magnatta (202) 566-3294.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: Theresa E. Bearman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH75

2451. INCOME TAX--TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-4-73.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC37

2452. INCOME TAX--DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-262-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE86

2453. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1362 Internal Revenue Code of 1954; 26 USC 1363 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-260-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE26

2454. INCOME TAX--PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1366 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-261-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE85

2455. INCOME TAX--RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1367 Internal Revenue Code of 1954; 26 USC 1368 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-264-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE88

2456. INCOME TAX--CERTAIN RULES RELATING TO SHAREHOLDERS OF SUBCHAPTER S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 1372 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would address the following issues: (1) The number of permitted shareholders of a small business corporation, (2) The rules regarding stock held by a husband and wife, (3) The types of trusts that are permitted to be shareholders of a small business corporation, (4) Whether shares are permitted to be owned as a split interest, (5) The rules relating to the time period for making an election of status as a small business corporation and the manner for making such election, and (6) Rules relating to how a new shareholder may terminate a subchapter S election.

Timetable:

Action	Date	FR Cite
NPRM	04/17/80	45 FR 26092
NPRM Comment Period Begin	04/17/80	45 FR 26092
NPRM Comment Period End	06/13/80	
Hearing	10/08/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-277-76.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC38

2457. INCOME TAX--APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal would amend the regulations under section 1371 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE90

2458. INCOME TAX--TREATMENT OF S CORPORATION AS A PARTNERSHIP FOR CERTAIN PURPOSES OF THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805; 26 USC 1372; 26 USC 1373; 26 USC 613A; 26 USC 4996; 26 USC 48

CFR Citation: 26 CFR 1

Abstract: The regulation will provide guidance to taxpayers relating to the treatment of S corporation as partnership for purposes of certain provisions of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	02/28/86	

Small Entity: Not Applicable

Additional Information: LR-266-83.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Fairlea Sheehy.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE28

2459. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 1374 AND 1375 RELATING TO THE IMPOSITION OF TAX ON CAPITAL GAINS AND PASSIVE INVESTMENT INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1374; 26 USC 1375

CFR Citation: 26 CFR 1

Abstract: The proposed regulations will provide rules relating to a tax on capital gains and excess passive income in the case of certain subchapter S corporations.

Timetable:

Action	Date	FR Cite
NPRM	07/03/85	50 FR 27457
NPRM Comment Period Begin	07/03/85	
NPRM Comment Period End	09/03/85	
Final Action	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-267-82.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Fairlea Sheehy.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE92

2460. INCOME TAX--DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1377 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would define and interpret the definitions and special rules contained in section 1377 through 1379 of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-268-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Fairlea Sheehy.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE94

2461. INCOME TAX--CERTAIN ELECTIONS UNDER THE SUBCHAPTER S REVISION ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954; 26 USC 1362 Internal Revenue Code of 1954; 26 USC 1377 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relate to the time and manner of making certain elections, consents, and refusals under the Subchapter S Revision Act of 1982 and to the taxable year which a corporation may select in order to make the election to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/83	48 FR 03637
NPRM Comment Period Begin	01/26/83	48 FR 03637
NPRM Comment Period End	03/28/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1-83.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF30

2462. INCOME TAX--TO CLARIFY SECTION 1.1382-6 WITH REGARD TO INVENTORY POOLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1382 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations would provide guidance to cooperatives with regard to inventory pools that remain open at the end of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-63-82.

Drafting attorney: Annette J. Guarisco (202) 566-3238

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: **Annette J. Guarisco**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB32

2463. INCOME TAX--DISTRIBUTIONS QUALIFYING AS PATRONAGE DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1382 Internal Revenue Code of 1954; 26 USC 1388 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for netting the income and losses of allocation units within the cooperative. In addition the regulations clarify the meaning of preexisting legal obligation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-268-79.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike.

Agency Contact: **Annette J. Guarisco**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AC39

2464. ● WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: PL 97-248, Sec 342; 26 USC 7805

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35511
NPRM Comment Period Begin	09/10/84	49 FR 35511
NPRM Comment Period End	11/09/84	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-271-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Charles Saverude (202) 566-3323.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: **Nerman Dobynes Hubbard**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH86

2465. INCOME TAX: WITHHOLDING UPON DISPOSITIONS OF U.S. REAL PROPERTY INTEREST BY FOREIGN PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1445 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide rules relating to the withholding tax imposed under section 1445 upon any person that acquired a U.S. real property interest from a foreign person. The regulations explain where withholding is required and how that requirement can be modified pursuant to an agreement with the IRS, and also provide rules relating to the manner in which amounts withheld are to be reported and paid over to the IRS.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50739
NPRM Comment Period Begin	12/31/84	49 FR 50739
NPRM Comment Period End	03/01/85	
Final Action	01/01/86	

Small Entity: Not Applicable

Additional Information: LR-151-84.

Drafting attorney: Unassigned.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Joseph L. Andrus (202) 566-2964.

Agency Contact: **Unassigned**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG70

2466. 26 CFR PART I--AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 1502 OF THE CODE TO REFLECT SECTION 224 OF TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would make amendments to the Consolidated Return Regulations to conform them to section 338 of the Code, as added by section 224 of the Tax Equity and Fiscal Responsibility Act of 1982, as amended by section 306 of the Technical Corrections Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: No

Additional Information: LR-80-83.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF41

2467. AMENDMENT OF CONSOLIDATED RETURNS REGULATIONS RELATING TO LIFE-LIFE CONSOLIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 1504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would deal with issues relating to life-life consolidations which were reserved by Treasury Decision 7877 for further study.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-66-83.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Mark Blumkin (202) 566-3463.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF67

2468. AMENDMENT OF SECTION 1.1502-14 TO MODIFY TREATMENT OF STOCK REDEMPTIONS AND NONDIVIDEND DISTRIBUTIONS IN EXCESS OF BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendment will coordinate the consolidated return treatment of stock redemptions and nondividend distributions in excess of basis with changes made by the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: LR-40-84.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AG35

2469. INCOME TAX--CONSOLIDATED RETURN/ACCUMULATED EARNINGS TAX-EARNINGS AND PROFITS WHEN A MEMBER IS A PERSONAL HOLDING COMPANY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal would provide rules relating to the application of the accumulated earnings tax to a group of corporations filing a consolidated income tax return when one or more members of the group is a personal holding company.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Additional Information: LR-256-79.

Drafting attorney: Charles M. Whedbee (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC51

2470. INCOME TAX--CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period Begin	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	
Hearing held	12/10/84	
Final Action	03/00/86	

Small Entity: No

Additional Information: LR-97-79.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Bennett C. Steinhauer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., **202 566-4336**

RIN: 1545-AC48

2471. INCOME TAX--TO REFLECT AMENDMENTS OF CONSOLIDATED RETURN REGULATIONS TO REFLECT MERCHANT MARINE ACT OF 1970 CONCERNING MERCHANT MARINE & FISHERIES CAPITAL ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 11 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Abstract: The proposal would provide rules for the income tax treatment, by corporations filing consolidated returns, with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-29-76.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC52

2472. INCOME TAX--ACCELERATED DEPRECIATION IN INVESTMENT ADJUSTMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns investment adjustment rules to reflect the proper treatment of accelerated depreciation thereby giving the public needed guidance on what that proper treatment is.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-222-81.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: John Broadbent (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Bennett C. Steinhauer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC47

2473. INCOME TAX--AT RISK LIMITATIONS OF SECTION 465

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-75-79.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC55

2474. INCOME TAX--INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-189-77.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Shay, Lainoff.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC58

2475. INCOME TAX -- AMENDMENT OF REGULATIONS UNDER SECTION 1504 (A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6695 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Not Applicable

Additional Information: LR-152-84.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH09

2476. INCOME TAX--TO REFLECT THE U.S. SUPREME COURT IN U.S. V. VOGEL FERTILIZER CO., HOLDING THAT EACH MEMBER OF STOCKGROUP MUST OWN STOCK IN EACH BROTHER-SISTER CORP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1563(a)(2) Internal Revenue Code of 1954; 26 USC 52 Internal Revenue Code of 1954; 26 USC 414(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relating to the definition of a brother-sister controlled group of corporations are to be amended to conform to the Supreme Court decision in U.S. v. Vogel Fertilizer Company, which held that a

person's stock ownership is not taken into account for purposes of the 80% ownership test unless that person owns stock in each brother-sister corporation.

Timetable:

Action	Date	FR Cite
NPRM	11/16/83	48 FR 52081
NPRM Comment Period Begin	11/16/83	48 FR 52081
NPRM Comment Period End	01/16/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-35-82.

Drafting attorney: Michel A. Daze' (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Rocap.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AC59

2477. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2001 Internal Revenue Code of 1954; 26 USC 2010 Internal Revenue Code of 1954; 26 USC 2011 Internal Revenue Code of 1954; 26 USC 2012(a) Internal Revenue Code of 1954; 26 USC 2012(c) Internal Revenue Code of 1954; 26 USC 2013(b) Internal Revenue Code of 1954; 26 USC 2013(e)(1) Internal Revenue Code of 1954; 26 USC 2014(b)(2) Internal Revenue Code of 1954; 26 USC 2035 Internal Revenue Code of 1954; 26 USC 2038(a) Internal Revenue Code of 1954; 26 USC 2044 Internal Revenue Code of 1954; 26 USC 2052 Internal Revenue Code of 1954; 26 USC 2104 Internal Revenue Code of 1954; 26 USC 2106 Internal Revenue Code of 1954; ...

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. In addition, the regulations clarify the situs test of foreign partnerships for purposes of the estate taxation of nonresident alien decedents. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-212-76.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AC60

2478. ● TEMPORARY ESTATE, GIFT AND GENERATION-SKIPPING TRANSFER TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2001, note

CFR Citation: 26 CFR 27; 26 CFR 602

Abstract: These regulations will provide rules for taxpayers to report transfers of Public Housing Bonds occurring after December 31, 1983, and before July 18, 1984. The regulation will explain who must report such transfers, and how and when the reports must be made. The regulation will set forth penalties for failure to report such transfers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-48-85.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Jim Bridgeman (202) 566-4902.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AH96

2479. ESTATE TAX--VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2032A Internal Revenue Code of 1954; 26 USC 2013(f) Internal Revenue Code of 1954; 26 USC 1016(c) Internal Revenue Code of 1954; 26 USC 1040 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 1

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Additional Information: LR-209-81.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of the Tax Legislative Counsel (Treasury) reviewing attorneys: Garlock, Woodward.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC62

2480. ESTATE & GIFT TAXES--INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2036(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 20

Abstract: These regulations will provide the extent to which the

retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment Period Begin	08/03/83	48 FR 35143
NPRM Comment Period End	11/03/83	
Final Action	05/00/86	

Small Entity: Not Applicable

Additional Information: LR-181-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Garlock, Woodward.

Agency Contact: **Fred E. Grundeman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC63

2481. ● PERMANENT RULES FOR REFORMING GOVERNING INSTRUMENTS CREATING CHARITABLE REMAINDER TRUSTS AND OTHER CHARITABLE INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954

CFR Citation: 20 CFR 2055

Abstract: These regulations will provide permanent rules for reforming governing instruments creating charitable remainder trusts and other charitable interests. The regulations will explain what interests are reformable interests and provide requirements for qualified reformations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-22-85.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Agency Contact: **William A. Jackson**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-4336**

RIN: 1545-AI14

2482. ESTATE AND GIFT TAXES--INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2012 Internal Revenue Code of 1954; 26 USC 2014 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954; 26 USC 2056 Internal Revenue Code of 1954; 26 USC 2207A Internal Revenue Code of 1954; 26 USC 2519 Internal Revenue Code of 1954; 26 USC 2523 Internal Revenue Code of 1954; 26 USC 6019 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment Period Begin	05/21/84	49 FR 21350
NPRM Comment Period End	07/20/84	
Final Action	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-211-76.

Drafting attorney: Robert B. Coplan (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: **Robert B. Coplan**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC67

2483. ASSUMPTION OF ESTATE TAX LIABILITY BY ESOP'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2210 Internal Revenue Code of 1954; 26 USC 2002 Internal Revenue Code of 1954; 26 USC 6018 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Allows estate tax liability for employer securities to be assumed by ESOP's rather than by the executor. To qualify, a qualified amount of employer securities must be acquired by the ESOP from "or on behalf of" the decedent. In addition, the executor must elect, in writing, to assume the attributable estate tax liability on behalf of the ESOP. The ESOP then becomes liable for the estate tax.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-74-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: **Sylvia F. Hunt**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AG38

2484. GIFT TAX--CERTAIN TRANSFERS TREATED AS QUALIFIED DISCLAIMERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2518(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 25

Abstract: The regulations will provide that certain transfers will be qualified disclaimers for purposes of section 2518 (a).

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-212-81.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC70

2485. ESTATE & GIFT TAXES--DISCLAIMERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2518 Internal Revenue Code of 1954; 26 USC 2045 Internal Revenue Code of 1954; 26 USC 2041(a)(2) Internal Revenue Code of 1954; 26 USC 2055(a) Internal Revenue Code of 1954; 26 USC 2056 Internal Revenue Code of 1954; 26 USC 2504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Abstract: This project will give guidance on the requirement under section 2518 on how to make a qualified disclaimer of a gift or inheritance. If it is qualified, it will not be treated as a gift.

Timetable:

Action	Date	FR Cite
Hearing	11/18/80	
NPRM	07/22/82	45 FR 48922
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-213-76.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC71

2486. ESTATE & GIFT TAX--GENERATION-SKIPPING TRANSFERS TAX RETURN REQUIREMENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2621 Internal Revenue Code of 1954; 26 USC 2601 to 2614 Internal Revenue Code of 1954

CFR Citation: 26 CFR 26

Abstract: This project will establish the forms to be used in reporting a generation-skipping transfer and also will establish the date on which the return must be filed and the tax paid. It will also interpret the definitions and special rules and illustrate how to compute the tax.

Timetable:

Action	Date	FR Cite
NPRM	08/05/80	45 FR 51771
Hearing	11/05/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-234-79.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC74

2487. EMPL. TAX--SOCIAL SECURITY TAX ON EMPLOYERS OF INDIVIDUALS WHO RECEIVE INCOME FROM TIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121(t) Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations would provide guidance for determining the amount of wages on which an employer of a tipped employee must pay social security tax if the employer pays the employee less than the minimum wage.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-35-78.

Drafting attorney: Beverly Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC76

2488. EMPLOYMENT TAX--TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3231 Internal Revenue Code of 1954; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period Begin	07/06/82	
NPRM Comment Period End	09/06/82	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-23-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AC77

2489. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954

CFR Citation: 26 CFR 36

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-192-83.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF91

2490. ELECTIONS BY CHURCHES AND QUALIFIED CHURCH-CONTROLLED ORGANIZATIONS TO EXCLUDE SERVICE PERFORMED IN THEIR EMPLOY FROM EMPLOYMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121 (w) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 5h; 26 CFR 31

Abstract: These regulations provide the manner in which churches and qualified church-controlled organizations may elect to exclude service performed in their employ from employment and the subsequent treatment of remuneration from such excluded service with respect to self employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-239-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Kent Mason (202) 566-6964.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH63

2491. AMEND THE REGULATIONS TO CLARIFY THE TRUCKING EXCEPTION TO THE DEFINITION OF "EMPLOYEE" FOR PURPOSE OF THE RRTA

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: These regulations will clarify the scope of the "trucking service" and "casual service" exceptions to the definition of "employer" in section 3231 (a).

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-212-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Kent Mason (202) 535-6964.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AG74

2492. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6302(c)

CFR Citation: 26 CFR 31

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the code.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-195-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: John B. Bromell (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney:

In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF97

2493. EMPLOYMENT TAX--WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805; 26 USC 3405; 26 USC 6047(e)

CFR Citation: 26 CFR 35

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-115-82.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE98

2494. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

Action	Date	FR Cite
NPRM	12/25/85	

Small Entity: Not Applicable

Additional Information: LR-224-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Richard D'Avino.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE20

2495. TO PROVIDE TEMPORARY REGULATIONS RELATING TO BACKUP WITHHOLDING WHERE THE SERVICE NOTIFIES PAYOR TO WITHHOLD DUE TO AN INCORRECT TAXPAYER IDENTIFICATION NUMBER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954

CFR Citation: 26 CFR 35a

Abstract: These regulations will prescribe when withholding is required when the Internal Revenue Service notifies the payor of an incorrect taxpayer identification number. The regulations will also describe that no withholding is required if the payee, within 30 days of the Service's notification, certifies under penalties of perjury that the name and taxpayer identification number are correct. If no certification is received within 30 days, backup withholding applies until such certification is received.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-7-84.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TLC attorney: Rick D'Avino.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AF90

2496. ● REGULATIONS ON BACKUP WITHHOLDING IN CASE OF A NOTIFIED PAYEE UNDERREPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3406(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: These regulations will provide rules relating to when a payer of reportable interest and dividends must withhold on such payments, how to inform payees when they are subject to withholding, and how payees can correct the situation that subjected them to backup withholding.

Timetable:

Action	Date	FR Cite
NPRM	01/15/86	
NPRM Comment Period Begin	01/15/86	
NPRM Comment Period End	04/15/86	

Small Entity: Not Applicable

Additional Information: LR-86-85.

Drafting attorney: Renay France (202) 566-3459.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH83

2497. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES--REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3508 Internal Revenue Code of 1954; 26 USC 3509 Internal Revenue Code of 1954; 26 USC 6041A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-214-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: John Bromell (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: James Bridgeman.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE62

2498. ● TEMPORARY PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 31 USC 3720A Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: These temporary regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by a taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must take to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-38-85.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: Debt Owed to Federal Agency.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI00

2499. EXCISE TAX--APPLICABLE TO ARTICLES SOLD ON AND AFTER 1964

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4042 Internal Revenue Code of 1954; 26 USC 4054 Internal Revenue Code of 1954; 26 USC 4058 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations would revise and update the existing regulations regarding manufacturers and retailers excise taxes on special fuels to reflect statutory changes made to section 4041 since 1964. The regulations would provide guidance to the public to comply with the laws.

Timetable:

Action	Date	FR Cite
NPRM	10/22/80	45 FR 69933
NPRM Comment Period Begin	10/22/80	45 FR 69933
NPRM Comment Period End	12/22/80	
Hearing	04/08/81	
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-2118.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McClanahan.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC85

2500. EXCISE TAX--RETAILERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 4052 Internal Revenue Code of 1954; 26 USC 4051 Internal Revenue Code of 1954; 26 USC 4053 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations will provide guidance as to what kinds of vehicles are taxable and how the tax is computed.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Additional Information: LR-30-83.

Drafting attorney: John Broadbent (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AF61

2501. TEMPORARY REGULATION EXCISE TAXES ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4051 Internal Revenue Code of 1954; 26 USC 4052 Internal Revenue Code of 1954; 26 USC 4053 Internal Revenue Code of 1954

CFR Citation: 26 CFR 145

Abstract: The regulations will provide guidance to dealers in paying tax on the sale of heavy trucks, trailers, and tractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-142-83.

Drafting attorney: John Broadbent (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mark Perlis.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AF79

2502. ● EXCISE TAX--PART 145--TEMP.--DEFINITION OF FIRST RETAIL SALE RELATING TO TAX ON TRUCKS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4051 Internal Revenue Code of 1954

CFR Citation: 26 CFR 145.4051-1; 26 CFR 602.101 (c)

Abstract: These rules change the definition of "first retail sale" and provide for registration and certificates of resale in connection with sales for resale, where the purchaser is also in the business of leasing. The purpose is

to improve the administration of the excise tax on trucks.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-54-85.

Drafting attorney: John Broadbent (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: John Broadbent, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, **202 566-3287**

RIN: 1545-AI11

2503. EXCISE TAX--MANUFACTURERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4061 Internal Revenue Code of 1954; 26 USC 4063 Internal Revenue Code of 1954; 26 USC 4062 Internal Revenue Code of 1954

CFR Citation: 20 CFR 48; 20 CFR 142; 20 CFR 146

Abstract: The regulations will update and revise the existing regulations concerning Manufacturers and Retailers excise taxes on motor vehicles. The regulations substantially complete the task of updating the regulations under sections 4061 through 4063 of the Internal Revenue Code of 1954 to reflect statutory changes made to these sections since 1964.

Timetable:

Action	Date	FR Cite
NPRM	12/30/82	47 FR 58297
NPRM Comment Period Begin	12/30/82	47 FR 58297
NPRM Comment Period End	02/28/83	
Final Action	10/00/86	

Small Entity: Not Applicable

Additional Information: LR-2119.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC86

2504. MANUF. & RET. EXCISE TAX--REFUND FOR CERTAIN USES OF TREAD RUBBER & ADJUSTMENTS PURSUANT TO WARRANTY; MISC. EXCISE TAXES --TAX ON POLICIES OF INSURANCE ISSUED BY FOREIGN INSURERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4071(a)(1) Internal Revenue Code of 1954; 26 USC 4071(a)(2) Internal Revenue Code of 1954; 26 USC 4071(d)(1) Internal Revenue Code of 1954; 26 USC 4071(f) Internal Revenue Code of 1954; 26 USC 6416(b)(1) Internal Revenue Code of 1954; 26 USC 6416(b)(2)(G) Internal Revenue Code of 1954; 26 USC 6416(b)(3) Internal Revenue Code of 1954; 26 USC 6511(i) Internal Revenue Code of 1954; 26 USC 4374 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48; 26 CFR 46

Abstract: The regulations will provide new regulations concerning excise tax refunds and credits in the case of certain uses of tread rubber and adjustments pursuant to warranty. The regulation will also deal with the excise tax on policies of insurance issued by foreign insurers.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-28-81.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: Fredric E. Grundeman (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC88

2505. MANUFACTURERS & RETAILERS EXCISE TAX--RELATING TO RECAPPED OR RETREADED TIRES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4071 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: This project was opened to possibly amend the regulations so as to eliminate the distinction between shoulder to shoulder retread tires and bead to bead retread tires.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4790
NPRM Comment Period Begin	02/08/84	49 FR 4790
NPRM Comment Period End	03/09/84	
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-180-81.

Drafting attorney: Robert B. Coplan (202) 566-3287.

Reviewing attorney: Robert B.Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC89

2506. MANUFACTURERS AND RETAILERS EXCISE TAXES--TAXES ON FUELS, TIRES AND GASOLINE

Legal Authority: 26 USC 4071 Internal Revenue Code of 1954; 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4081 Internal Revenue Code of 1954; 26 USC 6420 Internal Revenue Code of 1954; 26 USC 6427 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations will provide guidance concerning the rates of tax on certain fuels and gasohol. In addition, the regulations will provide guidance concerning the tax on tires.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-119-83.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Don Rocap (202) 566-2926.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AF58

2507. ● REGULATIONS RELATING TO THE TAX ON SALE OF SPORT FISHING EQUIPMENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4162 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48; 26 CFR 301

Abstract: The regulations will provide rules relating to the excise tax imposed on the sale of sport fishing equipment, and bows and arrows, etc. The regulations will also provide treatment for certain resales of sport fishing equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-4-85.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AH95

2508. EXCISE TAX--ENVIRONMENTAL TAXES--IMPOSITION OF TAXES ON PETROLEUM AND CERTAIN CHEMICALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4611 Internal Revenue Code of 1954; 26 USC 4612 Internal Revenue Code of 1954; 26 USC 4661 Internal Revenue Code of 1954; 26 USC 4662 Internal Revenue Code of 1954

CFR Citation: 26 CFR 52

Abstract: The regulations will provide rules for the computation of the environmental excise taxes on petroleum and certain chemicals. The regulations will also define such terms as entry and taxable chemicals and will explain how to get an exemption from tax for certain chemicals used to make fertilizer.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48839
NPRM Comment Period Begin	10/21/83	48 FR 50775
NPRM Comment Period End	01/20/84	
Hearing	02/16/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-16-81.

Drafting attorney: Cynthia L. Clark (202) 566-3288.

Reviewing attorney: Larry E. Smith (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AC91

2509. EXCISE TAX--ENVIRONMENTAL TAXES--IMPOSITION OF TAX ON HAZARDOUS WASTES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4681 Internal Revenue Code of 1954; 26 USC 4682 Internal Revenue Code of 1954

CFR Citation: 26 CFR 52

Abstract: The regulations will explain the imposition of the hazardous waste tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-341-81.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC92

2510. EXCISE TAX--TAX ON ISSUER OF REGISTRATION-REQUIRED OBLIGATION NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 46

Abstract: This regulation will provide that registration-required obligations issued in non-registered form will have an excise tax imposed on the issuer.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33285
NPRM Comment Period Begin	08/22/84	49 FR 33285
NPRM Comment Period End	10/22/84	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-9-83.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AF31

2511. INCOME TAX--LOBBYING BY PUBLIC CHARITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(h) Internal Revenue Code of 1954; 26 USC 504 Internal Revenue Code of 1954; 26 USC 4911 Internal Revenue Code of 1954; 26 USC 170(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Abstract: The regulations will provide rules primarily applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-154-78.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McDowell, Bridgeman.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE02

2512. FOUNDATION EXCISE TAX-EXCESS BUSINESS HOLDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4943 Internal Revenue Code of 1954; PL 91-172, Sec 101 Tax Reform Act of 1969; PL 98-369, Sec 307 Tax Reform Act of 1984; PL 98-369, Sec 308; PL 98-369, Sec 309; PL 98-369, Sec 310; PL 98-369, Sec 314

CFR Citation: 26 CFR 53.4943-1

Abstract: Amendments to conform regulations to provisions enacted by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-65-84.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG49

2513. FOUNDATION EXCISE TAX--PROCEDURE AND ADMINISTRATION--REVISION OF SECOND TIER EXCISE TAX PROVISIONS, ETC. UNDER CHAPTERS 42 AND 43

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4941 Internal Revenue Code of 1954; 26 USC 4942 Internal Revenue Code of 1954; 26 USC 4943 Internal Revenue Code of 1954; 26 USC 4944 Internal Revenue Code of 1954; 26 USC 4945 Internal Revenue Code of 1954; 26 USC 4951 Internal Revenue Code of 1954; 26 USC 4952 Internal Revenue Code of 1954; 26 USC 4971 Internal Revenue Code of 1954; 26 USC 4975 Internal Revenue Code of 1954; 26 USC 4961 Internal Revenue Code of 1954; 26 USC 4962 Internal Revenue Code of 1954

CFR Citation: 26 CFR 53; 26 CFR 301; 26 CFR 1; 26 CFR 54; 26 CFR 141

Abstract: This regulation provides rules related to second tier excise taxes as defined in section 4963. The regulations provide guidance to private foundations, black lung benefit trusts, pension trusts, and disqualified persons with respect to them, who may become liable for second tier excise taxes.

Timetable:

Action	Date	FR Cite
NPRM	02/13/84	49 FR 5350
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-16-81.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE09

2514. INCOME TAX--EXCISE TAX--PROCEDURE AND ADMINISTRATION--VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4962 Internal Revenue Code of 1954; 26 USC 507(d)(2)(c) Internal Revenue Code of 1954; 26 USC 4940(d) Internal Revenue Code of 1954; 26 USC 4940(e) Internal Revenue Code of 1954; 26 USC 4942 (a)(2) Internal Revenue Code of 1954; 26 USC 4942(f)(1) Internal Revenue Code of 1954; 26 USC 4942(g)(4) Internal Revenue Code of 1954; 26 USC 4945(d)(1) Internal Revenue Code of 1954; 26 USC 4945(d)(4) Internal Revenue Code of 1954; 26 USC 4946(d) Internal Revenue Code of 1954; 26 USC 6104(d) Internal Revenue Code of 1954; 26 USC 6603(n)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 301

Abstract: These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-76-84.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AG18

2515. TAX WITH RESPECT TO CERTAIN FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4976 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the tax imposed upon certain funded welfare benefit plans which provide "disqualified benefits".

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-67-84.

Drafting attorneys: John T. Ricotta/John C. Khil (202) 566-3544 or 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta/John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG12

2516. EXCISE TAX--DEFINITION OF NEWLY DISCOVERED OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would provide guidance on the requirements for the qualification of crude oil as newly discovered oil, as well as a definition of production in "commercial quantities" that affects the net income limitation on windfall profit and the exemption for Alaskan oil.

Timetable:

Action	Date	FR Cite
NPRM	11/05/82	47 FR 50306
NPRM Comment Period Begin	11/05/82	47 FR 50306
NPRM Comment Period End	01/04/83	
Final Action	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-224-81.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC96

2517. EXCISE TAX--WITH RESPECT TO THE DEFINITION OF TAXABLE CRUDE OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations would provide rules relating to the definitions of crude oil, condensate, and tar sand for purposes of the windfall profit tax. These definitions are important because only crude oil is subject to the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-226-81.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD00

2518. EXCISE TAX--ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4986 to 4998 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-225-81.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC94

2519. EXCISE TAX--INCREMENTAL TERTIARY OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4993 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would clarify the rules relating to incremental tertiary oil. The regulations provide procedural rules for requesting approval from the Service of tertiary recovery methods which are not already approved under Department of Energy regulations. The regulations also define "project beginning date" and "tertiary injectant".

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35517
NPRM Comment Period Begin	09/10/84	49 FR 35517
NPRM Comment Period End	11/09/84	
Hearing held	07/26/85	
Final Action	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-67-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD04

2520. EXCISE TAX--EXEMPTIONS FOR QUALIFIED GOVERNMENTAL INTERESTS, QUALIFIED CHARITABLE INTERESTS (INCLUDING RESIDENTIAL CHILD CARE AGENCIES), INDIAN OIL, ALASKAN ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4994 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The proposed regulations will provide rules and definitions relating to various exemptions from the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 5770
NPRM Comment Period Begin	02/12/85	50 FR 5770
NPRM Comment Period End	04/15/85	
Final Action	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-69-80.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: **John G. Schmalz**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD05

2521. EXCISE TAX--OIL FROM A STRIPPER WELL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954; 26 USC 4992 Internal Revenue Code of 1954; 26 USC 4994 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The proposed regulations provide rules and definitions relating to oil from a stripper well property for purposes of tier 2 oil and exempt stripper well oil.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2552
NPRM Comment Period Begin	01/20/83	48 FR 2552
NPRM Comment Period End	03/20/83	
Final Action	10/31/85	

Small Entity: Not Applicable

Additional Information: LR-217-81.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: **John G. Schmalz**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD01

2522. EXCISE TAX--DEFINITION OF OIL REMOVED FROM THE PREMISES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: This regulation would provide for exceptions to the general rule that crude oil is removed from the premises when it is physically transported off the premises. The exceptions are for certain uses of the crude oil on the premises, transportation to contiguous tracts and to storage tanks.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 1762
NPRM Comment Period Begin	01/14/83	48 FR 1762
NPRM Comment Period End	03/15/83	
Hearing	06/28/83	
Final Action	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-227-81.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: **Beverly A. Baughman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC95

2523. EXCISE TAX--DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	11/10/82	47 FR 50924
NPRM Comment Period Begin	11/10/82	47 FR 50924
NPRM Comment Period End	01/09/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-34-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: **Robert H. Ginsburgh**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD08

2524. EXCISE TAX--AMENDMENT OF SEC 51.4996-1(B) WITH RESPECT TO THE TREATMENT OF NET PROFITS INTERESTS FOR WINDFALL PROFITS TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These proposed regulations would provide rules for determining the portion of crude oil removed from the premises attributable to the holder of a net profits interest.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34242
NPRM Comment Period Begin	08/29/84	49 FR 34243
NPRM Comment Period End	10/29/84	
Final Action	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-38-82.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD09

2525. RETURNS REQUIRED ON MAGNETIC MEDIA

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6011 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would require certain returns to be filed on magnetic media. Prior to enactment of section 319 of the Tax Equity and Fiscal Responsibility Act of 1982, there was no statutory or regulatory requirement that any particular return be filed on magnetic media or in other machine-readable form. The regulations would provide standards for determining which returns would be required to be filed on magnetic medias.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-289-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF12

2526. FORM OF INDIVIDUAL TAX RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6012 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules for an individual taxpayer for determining the appropriate return to file, for utilizing a substitute form and for attaining assistance from the Internal Revenue Service for computing the tax liability from the partially completed return.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Additional Information: LR-300-82.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF24

2527. TO PROVIDE REGULATIONS RELATING TO NEW EXCEPTION TO ESTIMATED TAX PENALTY WHERE INDIVIDUAL HAS NO TAX LIABILITY FOR PRECEDING TAXABLE YEAR

Legal Authority: 26 USC 7805; 26 USC 6015; 26 USC 6654

CFR Citation: 26 CFR 1

Abstract: The regulation will clarify the new exception to the individual estimated tax in the case of an individual who had no tax liability for the preceding taxable year. Rules also eliminate the requirement that individuals file a declaration of estimated tax.

Timetable:

Action	Date	FR Cite
NPRM	09/01/85	

Small Entity: Not Applicable

Additional Information: LR-226-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr., (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE71

2528. INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6031 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	

Small Entity: Not Applicable

Additional Information: LR-198-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE40

2529. PROPOSED REGULATIONS UNDER SECTION 6037 RELATING TO INFORMATION REQUIRED TO BE FURNISHED TO SHAREHOLDERS TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6037 Internal Revenue Code of 1954

CFR Citation: 26 CFR 6037

Abstract: These regulations will provide rules relating to information required to be furnished to shareholders of S corporations. The regulations will require S corporations to furnish to each person who is a shareholder at any time during the taxable year a

schedule K-1 of Form 1120S showing certain required information.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Additional Information: LR-233-84.

Drafting attorney: Annie R. Alexander (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney:

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH48

2530. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations in this project clarify the definition of the term "commodity" for purposes of broker reporting. Rules are provided for determining whether personal property (including gold and silver) is a commodity. Generally, the term "commodity" is defined as personal property that is deliverable in satisfaction of a regulated futures contract, certain specified personal property that the secretary determines is to be treated as a commodity or any form or quality of or any interest in such personal property. The term "commodity" does not include a security, regulated futures contract, forward contract, or a form of tangible personal property if the gross proceeds from its sale exceed by more than 15 percent its value as a commodity. The rules proposed include alternative methods (the "exact" and "approximate" methods) of tangible personal property valuation.

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period Begin	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	
Public hearing held	03/28/84	49 FR 645
Final Action	12/31/85	

Small Entity: No

Additional Information: LR-201-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3238.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG02

2531. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 6045 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period Begin	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	
Final Action	10/31/85	

Small Entity: Not Applicable

Additional Information: LR-62-84.

Drafting attorneys: Bruce H. Jurist, (202) 566-3238;C. Scott McLeod, (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Bruce H. Jurist/C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG52

2532. INCOME TAX--REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6046A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-203-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Steven Lainoff (202) 566-5046.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE47

2533. REPORTING OF STATE AND LOCAL INCOME TAX REFUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050E Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to persons who make payments of refunds of State or local income taxes, or who allow credits or offsets with respect to such taxes, for purposes of reporting these amounts to the Service. The regulations would also prescribe rules for providing statements to the taxpayers receiving the refund or

for whom the credit or offset is allowed.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	48 FR 41436
NPRM Comment Period Begin	09/15/83	48 FR 41436
NPRM Comment Period End	11/14/83	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-233-82.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: **Alice M. Bennett,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AE76

2534. NOTICE OF PROPOSED RULEMAKING RELATING TO REPORTING OF TRANSFERS OF SECURITY TO A PERSON OTHER THAN THE LENDER UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050J Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations propose rules relating to information reporting of transfers of security to persons other than the lender.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period Begin	10/31/84	49 FR 34518
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-182-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: **Annette J. Guarisco,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG51

2535. INCOME TAX--MORTGAGE INTEREST REPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050H Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will propose rules relating to information reporting of mortgage interest received in a trade or business from individuals, including the persons and interest subject to the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	

Small Entity: Not Applicable

Additional Information: LR-214-84

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Linda M. Kroening (202) 566-3238.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: **Annette J. Guarisco,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG93

2536. INCOME TAX--MORTGAGE INTEREST REPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050H internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to information reporting of mortgage interest received in a trade or business from individuals, including the persons and interest subject to the reporting requirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/31/85	

Small Entity: Not Applicable

Additional Information: LR-201-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Linda M. Kroening (202) 566-3238.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: **Annette J. Guarisco,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH27

2537. INCOME TAX--RETURNS RELATING TO CASH PAYMENTS IN EXCESS OF $10,000 RECEIVED IN A TRADE OR BUSINESS

Legal Authority: 20 USC 7805 Internal Revenue Code of 1954; 20 USC 6060I Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations will provide rules relating to the requirement of reporting cash in excess of $10,000 received in a trade or business. The regulations will explain what transactions must be reported, who must report with respect to cash transactions and how and when the reporting must be accomplished. The regulations also provide rules relating to furnishing statements to any person identified or a return of information.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21308
NPRM Comment Period Begin	05/23/85	50 FR 21308
NPRM Comment Period End	07/22/85	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-262-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Jim Bridgeman (202) 566-4902.

Agency Contact: **Bruce H. Jurist,** Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG97

2538. NOTICE OF PROPOSED RULEMAKING RELATING TO REPORTING OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050J Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-181-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG48

2539. RETURNS RELATING TO SALES OR EXCHANGES OF CERTAIN PARTNERSHIP INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050K Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation will provide rules relating to the manner of filing and contents of returns, statements, and notifications with respect to certain sales or exchanges of interests in partnerships.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-236-84

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Blake Rubin (202) 566-6968.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH42

2540. EMPLOYEE TIP REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec 1072 (b) Tax Reform Act of 1984

CFR Citation: 26 CFR 31

Abstract: The regulations contain rules relating to employee tip reporting and recordkeeping requirements to reflect changes in the tax law made by section 1072 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 29990
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-162-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH24

2541. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment Period Begin	08/15/84	49 FR 32728
NPRM Comment Period End	10/15/84	
Hearing held	01/17/85	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-142-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG45

2542. PROCEDURE AND ADMINISTRATION REGULATIONS RELATING TO TAX SHELTER REGISTRATION AND THE REQUIREMENT TO MAINTAIN LISTS OF INVESTORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Abstract: This project will provide rules to suspend the tax shelter registration requirements for tax shelters that are projected income investments.

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43714
NPRM Comment Period Begin	10/31/84	49 FR 43714

Action	Date	FR Cite
NPRM Comment Period End	12/31/84	
Hearing held	01/17/85	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-213-84.

Drafting attorney: Paulette Chernyshev (202) 566-3828.

Reviewing attorney: Cynthia Clark (202) 566-3828.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3828**

RIN: 1545-AH29

2543. ● PROPOSED REGULATIONS RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide rules relating to the filing of amended tax shelter registration applications and the time for furnishing tax shelter registration numbers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-66-85.

Drafting attorney: Paulette Chernyshev (202) 566-3828.

Reviewing attorney: Cynthia Clark (202) 566-3828.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI04

2544. ● TEMPORARY REGULATIONS RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: This project will provide rules relating to the filing of amended tax shelter registration applications and the time for furnishing tax shelter registration numbers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-65-85.

Drafting attorney: Paulette Chernyshev (202) 566-3828.

Reviewing attorney: Cynthia Clark (202) 566-3828.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3828**

RIN: 1545-AI10

2545. REQUIREMENT TO MAINTAIN LISTS OF INVESTORS IN POTENTIALLY ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6112 Internal Revenue Code of 1954; 26 USC 6708 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations will provide guidance to organizers of and sellers of interests in potentially abusive tax shelters relating to the requirement to maintain lists identifying persons who acquire interests in those tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34246
NPRM Comment Period Begin	08/29/84	49 FR 34246
NPRM Comment Period End	10/29/84	
Hearing	01/17/85	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-149-84.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG58

2546. ESTATE TAX--PROCEDURE AND ADMINISTRATION--DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6166 Internal Revenue Code of 1954; 26 USC 6161 Internal Revenue Code of 1954; 26 USC 6151 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 301

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-210-76.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AD23

2547. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6222 Internal Revenue Code of 1954; 26 USC 6223 Internal Revenue Code of 1954; 26 USC 6224 Internal Revenue Code of 1954; 26 USC 6227 Internal Revenue Code of 1954; 26 USC 6230 Internal

Revenue Code of 1954; 26 USC 6231 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-205-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE51

2548. ● STATEMENT OF PROCEDURAL RULES TO PROVIDE PROCEDURES FOR PARTNERSHIP-LEVEL PROCEEDINGS WITH RESPECT TO PARTNERSHIP ITEMS

Legal Authority: 5 USC 301; 5 USC 6111

CFR Citation: 26 CFR 601

Abstract: The amendment of the Statement of Procedural Rules will provide procedures for partnership-level proceedings with respect to partnership items.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-237-82.

Drafting attorney: Paul A. Francis (202) 566-3218.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AI08

2549. DESIGNATION OF TAX MATTERS PARTNER FOR PURPOSES OF DETERMINING THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231(a)(7) Internal Revenue Code of 1954; 26 USC 6230(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 5f

Abstract: Proposed regulations would set forth procedural rules for designating and revoking the designation of the "tax matters partner" for purposes of the new partnership-level audit procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-206-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE53

2550. DEFINITION OF "PARTNERSHIP ITEM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231(a)(3) Internal Revenue Code of 1954; 26 USC 6230(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: Proposed regulations would define the term "partnership item" for purposes of new rules for determining the tax treatment of partnership items at the partnership level.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 01759
NPRM Comment Period Begin	01/14/83	48 FR 01759
NPRM Comment Period End	03/15/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-186-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin.

Draft of Treasury decision at Treasury pending review.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF09

2551. SPECIAL RULES FOR CERTAIN REFUND CLAIMS TREATED AS SPECIAL ENFORCEMENT AREAS UNDER RULES FOR CONSOLIDATED PARTNERSHIP PROCEEDINGS

Legal Authority: 26 USC 6231 (c)(1) Internal Revenue Code of 1954; 26 USC 6231 (c)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Abstract: These regulations will provide rules relating to special enforcement areas under the rules for consolidated partnership proceedings. Specifically they will identify certain applications for tentative adjustments ("Quick Refunds") and refund claims attributable to abusive tax shelters as areas that have been determined to present special enforcement considerations.

Timetable:

Action	Date	FR Cite
NPRM	12/13/84	49 FR 48573
NPRM Comment Period Begin	12/13/84	
NPRM Comment Period End	02/11/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-242-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Treasury attorney: Mark Perlis (202) 566-2926.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH00

2552. PROPOSED REGULATIONS OF SECTION 6232, RELATING TO THE APPLICABILITY OF PARTNERSHIP AUDIT RULES TO THE WINDFALL PROFIT TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6232 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations will provide rules relating to the extension of the partnership audit rules under Code sections 6221-6231 to the Windfall Profit Tax. These regulations provide rules under which the partnership may act on behalf of all partners in the assessment and determination of the Windfall Profit Tax.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40896
NPRM Comment Period Begin	10/18/84	49 FR 40896
NPRM Comment Period End	12/17/84	
Final Action	11/00/85	

Small Entity: Yes

Additional Information: LR-220-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Moshe Schuldinger (202) 566-2929.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG54

2553. ● EXTENSION OF PARTNERSHIP AUDIT PROVISIONS

Legal Authority: 26 USC 6233 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulation will clarify the extent to which the partnership audit provisions apply to an entity which filed a partnership return but which has subsequently been determined not to be a partnership.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-230-84

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul Francis (202) 566-3218.

Treasury attorney: Blake Rubin (202) 566-4922.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AI05

2554. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6241 Internal Revenue Code of 1954; 26 USC 6242 Internal Revenue Code of 1954; 26 USC 6243 Internal Revenue Code of 1954; 26 USC 6244 Internal Revenue Code of 1954; 26 USC 6245 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items. The regulations would define the term "subchapter S item."

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-269-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE96

2555. PROCEDURE AND ADMINISTRATION--RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6325 Internal Revenue Code of 1954; 26 USC 6331 Internal Revenue Code of 1954; 26 USC 6334 Internal Revenue Code of 1954; 26 USC 6337 Internal Revenue Code of 1954; 26 USC 7426 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations also provide rules notice and procedures to service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-253-82.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AE82

2556. PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 31 USC 3720A

CFR Citation: 26 CFR 301

Abstract: These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must make to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-291-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG95

2557. INCOME TAX--TENTATIVE REFUND OF TAX UNDER CLAIM OF RIGHT ADJUSTMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6411 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal provides rules with respect to a tentative refund of income tax when a taxpayer has a claim of right adjustment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-45-79.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

In Legislation and Regulations Division for preparation of notice.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AD30

2558. EXCISE TAX--SPORTING GOODS AND FIREARMS & ADMINISTRATION PROVISIONS OF SPECIAL APPLICATION TO MANUFACTURERS & RETAILERS EXCISE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6001 to 6427 Internal Revenue Code of 1954; 26 USC 4161 Internal Revenue Code of 1954; 26 USC 4181 Internal Revenue Code of 1954; 26 USC 4182 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: This regulation will contain amendments which would revise and update the regulations concerning manufacturers excise taxes on sporting goods and firearms and other administrative provisions especially applicable to manufacturers and retailers excise taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00442
NPRM Comment Period Begin	01/05/83	
NPRM Comment Period End	05/05/83	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-2115.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson.

Notice published 01/05/83.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3297**

RIN: 1545-AD12

2559. MODIFICATION OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6611 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period Begin	10/10/84	
NPRM Comment Period End	12/10/84	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-280-82.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF10

2560. PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6621 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period Begin	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-180-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG75

2561. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6655 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing held	06/26/84	
Final Action	01/04/86	

Small Entity: Not Applicable

Additional Information: LR-228-82.

Drafting attorney: Renay France (202) 566-3829.

Reviewing attorney: John M. Coulter, Jr, (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AE37

2562. PROCEDURE & ADMINISTRATION--ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS, & INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6659 Internal Revenue Code of 1954; 26 USC 6653 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301; 26 CFR 1

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-272-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AD39

2563. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6700 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-273-82.

Drafting attorneys: Alice Bennett (202) 566-3238 and C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: Alice Bennett or C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AE99

2564. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-274-82.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF01

2565. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 6815(D) DEALING WITH CERTIFICATES OF COMPLIANCE WITH THE INCOME TAX LAWS ISSUED TO ALIENS DEPARTING THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2815(d)

CFR Citation: 26 CFR 1

Abstract: This regulation will clarify which classes of aliens departing the United States are required to obtain certificates of compliance with the income tax laws, providing the public with the guidance needed to comply with the law.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-2-84.

Drafting attorney: Carol Doran Klein (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

In Legislation and Regulations Division for preparation of notice.

Agency Contact: Carol Doran Klein, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF80

2566. INCOME TAX--PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6867 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-309-82.

Drafting attorney: Cynthia L. Clark (202) 566-3288.

Reviewing Attorney: John H. Parcell (202) 566-3336.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AE30

2567. ● AMENDMENT OF REGULATIONS TO PERMIT DISCLOSURE OF TAX RETURN INFORMATION BETWEEN FRANCHISEES WHO JOINTLY OPERATE A TAX SERVICE

Legal Authority: 26 USC 7216 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would allow disclosure of tax return information by tax return preparers for the purpose of monitoring quality of return preparation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-3-85.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3289.

Office of International Tax Counsel Reviewing attorney: Mark Perlis.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH91

2568. PROCEDURE AND ADMINISTRATION--AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period Begin	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	
Final Action	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-1406.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AD42

2569. ADMINISTRATIVE SUMMONSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7609 Internal Revenue Code of 1954; 26 USC 7610 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: An administrative summons is used by the Internal Revenue Service to obtain taxpayer records in the hands of a third party recordkeeper, such as a bank. Sections 331, 332, and 333 of the Tax Equity and Fiscal Responsibility Act of 1982 amended sections 7602 and 7609 of the Internal Revenue Code of 1954 relating to administrative summonses. The amendments alter the circumstances under which an administrative summons may be issued and also alter the rights and obligations of the subject taxpayer and third-party

recordkeeper. This regulation project will provide guidance relating to these new administrative summons procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/12/85	50 FR 24655
NPRM Comment Period Begin	06/12/85	50 FR 24655
NPRM Comment Period End	08/12/85	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-10-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Alice Bennett (202) 566-3238.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF33

2570. ● PROCEDURE AND ADMINISTRATION--RESTRICTIONS ON CHURCH TAX INQUIRIES AND EXAMINATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7611 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301; 26 CFR 1

Abstract: This regulation will clarify IRS procedures concerning church tax inquiries and examinations which were published as a temporary regulation on March 11, 1985 at 50 FR 9614 as TD 8013.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9678
NPRM Comment Period Begin	03/11/85	50 FR 9678
NPRM Comment Period End	05/10/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-1-85.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Paul Accettura (202) 566-3544.

Treasury attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AI12

2571. INCOME TAX--INVESTMENT CREDIT IN CASE OF PROPERTY USED BY TAX EXEMPT ORGANIZATIONS & GOVERNMENTAL UNITS; PRACTICE & PROCEDURE--DEF. OF SERVICE CONTRACTS & OTHER ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38(b) Internal Revenue Code of 1954; 26 USC 48(a)(4) Internal Revenue Code of 1954; 26 USC 48(a)(5) Internal Revenue Code of 1954; 26 USC 7701(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: Proposal would change the definition of use of property by a tax exempt organization or a governmental unit, for purpose of applying rules relating to the investment tax credit. The regulations would also define service contracts and other arrangements, for purposes of analysis vis a vis leasing arrangements.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-223-78.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545-AA23

2572. AMENDMENTS OF THE REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER SECTION 7701 RELATING TO CLASSIFICATION OF CERTAIN INVESTMENT ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: These regulations relate to the classification for federal tax purposes of investment arrangements allowing multiple classes of ownership. They make clear that the existing rules on "fixed investment trust" do not apply to such investment arrangements. An arrangement is a "fixed investment trust" only if it has one class of ownership.

Timetable:

Action	Date	FR Cite
NPRM	05/02/84	49 FR 18741
NPRM Comment Period Begin	05/02/84	49 FR 18741
NPRM Comment Period End	07/02/84	
Hearing held	07/31/84	
Final Action	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-68-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Treasury attorney: James Bridgeman (202) 566-4902.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG20

2573. AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7701(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Abstract: These regulations provide rules for determining whether an alien individual is a resident or a nonresident alien of the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-234-84.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH13

2574. PROPOSED REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO THE DEFINITION OF FAIR MARKET VALUE OF PROPERTY FOR PURPOSES OF DETERMINING GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.7701-1

Abstract: These proposed regulations provide clarification for the definition of fair market value in section 7701 (g) of the Internal Revenue Code. They state that, for purposes of determining gain or loss, the fair market value of property shall not be considered to be less than the amount of nonrecourse indebtedness to which property is subject.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-264-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG94

2575. TEMPORARY REGULATIONS ON EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER THE EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to effective dates and other questions arising under the employee benefits provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/31/85	

Small Entity: Not Applicable

Additional Information: EE-63-84.

Drafting attorneys: John T. Ricotta/John C. Khil (202) 566-3544 or (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta/John C. Khil, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG41

2576. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7701 Internal Revenue Code of 1954; 26 USC 7871 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-221-83.

Drafting attorney: Linda M. Kroening.

Reviewing attorney: Cynthia L. Clark.

Office of Tax Legislative Counsel: Mark Perlis.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF77

2577. TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX RETURN ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7872 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These temporary regulations provide taxpayers with a list of loan transactions that are not subject to section 7872. If a loan is subject to section 7872, the below-market loan is recharacterized as a market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. Taxpayers who are parties to a loan listed in these regulations are not subject to section 7872 with respect to that loan. Accordingly, no amounts are imputed under section 7872.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-309-84.

Drafting attorney: Sharon L. Hall (202) 566-3828.

Reviewing attorney: John Fischer.

Treasury attorney: Fairlea Sheehy.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3828**

RIN: 1545-AG82

2578. ● REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7872 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section

7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-165-84.

Drafing attorney: Sharon L. Hall (202) 566-3828.

Reviewing attorney: John Fischer.

Treasury attorney: Fairlea Sheehy.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3828**

RIN: 1545-AH72

2579. INCOME TAX--MARITIME CAPITAL CONSTRUCTION FUND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 46 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Abstract: The proposal would provide rules for the income tax treatment with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/29/76	41 FR 04280
NPRM Comment Period Begin	01/29/76	41 FR 04280
NPRM Comment Period End	03/29/76	
Hearing	07/07/76	
Final Action	01/00/87	

Small Entity: Not Applicable

Additional Information: LR-149-75.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AD46

2580. STATEMENT OF PROCEDURAL RULES--AMENDMENTS TO STATEMENT OF PROCEDURAL RULES--1981-1

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Abstract: Semi-annual update of the Statement of Procedural Rules.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-154-81.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545-AD55

2581. STATEMENT OF PROCEDURAL RULES--SPECIAL AMENDMENT

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Abstract: These regulations will conform the Statement of Procedural Rules with Department of Treasury regulations increasing the fees to be charged for search and duplication services in implementing the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Additional Information: LR-108-83.

Drafting attorney: Sandra Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Sandra Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF68

2582. ● PROPOSED AMENDMENTS TO THE PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY AMOUNTS ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 42 USC 664 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: These proposed regulations provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past due support which a State has agreed to collect under section 454 (6) of the Social Security Act. The regulations explain the steps a State must take to have a tax overpayment reduced by an amount of past-due support.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR 85-85.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: of past-due support owed.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH99

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Completed Actions

COMPLETED RULEMAKINGS

2583. TO PROVIDE TEMPORARY REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 25 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.25-1T; 26 CFR 1.6709-1T

Abstract: The regulations will provide rules on the issuance of mortgage credit certificates. Rules will be provided with respect to the various eligibility requirements that must be satisfied by mortgagors as well as the various program requirements that must be satisfied by issuers.

Timetable:

Action	Date	FR Cite
Final Action	05/08/85	50 FR 19344
Final Action Effective	05/08/85	50 FR 19344

Small Entity: Not Applicable

Additional Information: LR-191-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG90

2584. INCOME TAX--INVESTMENT CREDIT FOR COMMUTER HIGHWAY VEHICLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 602.101

Abstract: Proposal would interpret the rules contained in sections 46 and 47 of the Internal Revenue Code of 1954 dealing with the investment tax credit for certain commuter highway vehicles, thereby providing needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39344
NPRM Comment Period Begin	10/05/84	49 FR 39344
NPRM Comment Period End	12/04/84	
Final Action	07/19/85	50 FR 29369

Small Entity: Not Applicable

Additional Information: LR-169-79.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA08

2585. INCOME TAX--INVESTMENT CREDIT FOR REHABILITATED STRUCTURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions relating to terms such as qualified rehabilitated building, qualified rehabilitated expenditure, and major portion.

Timetable:

Action	Date	FR Cite
NPRM	10/28/80	
Hearing	03/31/81	
Final Action	06/28/85	50 FR 26696
Final Action Effective	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-191-78.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA21

2586. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 48 (L) (16), RELATING TO THE ENERGY INVESTMENT CREDIT FOR QUALIFIED INTERCITY BUSES THAT ARE LEASED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48 (l) (16) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendments to the regulations will provide guidance for determining the eligibility of taxpayers for the energy credit when a qualified intercity bus is leased.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39571
NPRM Comment Period Begin	10/09/84	49 FR 39571
NPRM Comment Period End	12/10/84	
Hearing held	01/09/85	
Final Action	03/26/85	50 FR 11852

Small Entity: Not Applicable

Additional Information: LR-69-84.

Drafting attorney: Michel A. Daze (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AG31

2587. INCOME TAX--TO PROVIDE "TIMING" REQUIREMENTS FOR EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rules will provide "timing" requirements for exempt small issues of industrial development bonds. They will address the nature of the

governmental action necessary to approve such an issue and the relationship in time between that action and various expenditures to be funded by the issue.

Timetable:

Action	Date	FR Cite
Closed without issuance of regulations	02/19/85	
NPRM	00/00/00	
Final Action regulations	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-245-79.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA52

2588. TO PROVIDE REGULATIONS UNDER SECTION 103A RELATING TO MORTGAGE SUBSIDY BONDS FOR COOPERATIVE HOUSING CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103A Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations will interpret the rules under section 103A, relating to mortgage subsidy bonds, as those rules relate to cooperatives. A mortgage subsidy bond is an obligation a significant portion of the proceeds of which are used to provide financing for single-family, owner-occupied residences. The proposed regulations also would provide rules for the treatment of certain leasing cooperatives under section 103 (b) (4) (A), relating to industrial development bonds for residential rental projects.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/27/85	

Small Entity: Not Applicable

Additional Information: LR-16-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AF36

2589. INCOME TAX--RELATING TO FEDERAL GRANT NOT INCLUDABLE IN GROSS INCOME IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 117(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will revise existing regulations in order to allow an exclusion for a grant received under a Federal program, which would have been excludable from gross income under the general rules of section 117 but for the requirement under the grant that the recipient perform future services as a federal employee.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33281
NPRM Comment Period Begin	08/22/84	49 FR 33281
NPRM Comment Period End	10/22/84	
Final Action	07/02/85	50 FR 2723

Small Entity: Not Applicable

Additional Information: LR-72-81.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert Coplan (202) 566-3287.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA70

2590. INCOME TAX--VARIOUS PENSION, ETC. PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 219(f)(3) Internal Revenue Code of 1954; 26 USC 405 Internal Revenue Code of 1954; 26 USC 408(i) Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 6693 Internal Revenue Code of 1954; PL 98-369, Sec 147; PL 98-369, Sec 491; PL 98-369, Sec 523; PL 98-369, Sec 524; PL 98-369, Sec 525; PL 98-369, Sec 526; PL 98-369, Sec 529; PL 98-369, Sec 713(d)(2), (f),(j)

CFR Citation: 26 CFR 1.219; 26 CFR 1.405; 26 CFR 1.408; 26 CFR 1.409; 26 CFR 301.6693

Abstract: This regulations project contains various miscellaneous pension-related matters including amendments relating to IRA contributions, reporting requirements and non-filing penalties; termination of rules relating to qualified bond purchase plans and retirement bonds; treatment of distributions where substantially all contributions are employee contributions; provisions relating to top-heavy plans; repeal of estate tax exclusion for qualified pension plan benefits; affiliated service groups, employee leasing arrangements and collective bargaining agreements; certain alimony treated as compensation; and technical corrections related to sections 238, 240, and 249.

Timetable:

Action	Date	FR Cite
Closed	02/28/85	
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-77-84.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG62

2591. TEMPORARY REGULATIONS--QUESTIONS AND ANSWERS ON MISCELLANEOUS MATTERS UNDER SECTION 338 OF THE INTERNAL REVENUE CODE

Legal Authority: 26 USC 338 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance on a broad range of issues arising under section 338.

Timetable:

Action	Date	FR Cite
Final Action Regulation published	04/25/85	50 FR 16402
Final Action Effective	04/25/85	50 FR 16402

Small Entity: Not Applicable

Additional Information: LR-6-84.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AG25

2592. TEMPORARY REGULATIONS ON EFFECTIVE DATES AND OTHER ISSUES ARISING UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-397, Sec 303(e)(4) Retirement Equity Act of 1984; 26 USC 417 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.401(a)-11T; 26 CFR 1.402(f)-1T; 26 CFR 1.410(a)-5T; 26 CFR 1.410(a)-7T

Abstract: The regulations will provide rules relating to participation and vesting, qualified joint and survivor annuities, and notices required to be provided to recipients of certain distributions from qualified plans.

Timetable:

Action	Date	FR Cite
Final Action	07/19/85	50 FR 29376
Final Action Effective	07/19/85	50 FR 29376

Small Entity: Not Applicable

Additional Information: EE-110-84.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH04

2593. INCOME TAX--COMPARABILITY OF PLANS FOR VESTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a)(5) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the comparability of contributions and benefits provided under two or more pension, profit-sharing, or stock bonus plans of an employer that are considered as a single plan for purposes of satisfying the nondiscrimination requirements of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Closed without regulations	04/09/85	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-8-78.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Revised preliminary draft of notice to Actuarial Division, 02/07/80.

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD69

2594. TEMPORARY REGULATIONS ON RESTRICTIONS ON CASH-OUTS UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.411(a) (11)-1T; 26 CFR 1.417(e)-1T

Abstract: The regulations will provide rules governing cash-outs of accrued benefits in excess of $3,500 under sections 411(a) (11) and 417 of the Code, as amended by sections 203 and 205 of the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
Final Action	07/19/85	50 FR 29371
Final Action Effective	07/19/85	50 FR 29371

Small Entity: Not Applicable

Additional Information: EE-2-85.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH02

2595. INCOME TAX--TERM, ETC. FUNDING FOR ANCILLARY BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412(c)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the cost range within which an ancillary cost must fall in order to utilize 1-year term funding.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/24/85	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-151-80.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD86

2596. INCOME TAX--DEFINITION OF MULTIEMPLOYER PLAN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the definition of a "multiemployer plan" which was changed by Public Law 96-364.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/21/85	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-131-80.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4903.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD89

2597. TEMPORARY INCOME TAX REGULATIONS--EFFECTIVE DATES RELATING TO THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance relating to the general effective date of section 461 (h) , the effect of electing alternative effective dates, the manner of making the elections, the scope of the elections and the section 481 (a) adjustment required by the elections.

Timetable:

Action	Date	FR Cite
Final Action	05/20/85	50 FR 20748

Small Entity: Not Applicable

Additional Information: LR-170-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH28

2598. INCOME TAX--QUALIFIED DISCOUNT COUPONS RETURNED AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 466 Internal Revenue Code of 1954; Section 373(c), Revenue Act of 1978

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the election to deduct redemption costs of qualified discount coupons returned after the close of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	08/03/84	49 FR 31080
NPRM Comment Period Begin	08/03/84	49 FR 31080
NPRM Comment Period End	10/02/84	
Final Action	05/08/85	50 FR 18473

Small Entity: Not Applicable

Additional Information: LR-217-78.

Drafting attorney: Alice Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Rubin.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB53

2599. INCOME TAX--INVENTORIES AT COST OR MARKET, WHICHEVER IS LOWER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 471 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would revise and clarify the computation of ending inventory at cost or market whichever is lower.

Timetable:

Action	Date	FR Cite
Project closed without issuing regulations	08/31/83	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2158.

Drafting attorney: Joseph Rosenthal (202) 566-3289.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB54

2600. INCOME TAX--ALLOCATION OF INCOME & DEDUCTIONS AMONG TAXPAYERS TO REVISE PERCENTAGE APPLIED IN DETERMINING RENTAL CHARGE FOR USE OF TANGIBLE PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 482 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would amend the current Income Tax Regulations under Internal Revenue Code section 482, relating to allocations made by the Internal Revenue Service between

persons that are owned or controlled by the same interests. The amendments would adjust the deemed arm's length rental charge for the use of tangible property to reflect current market rates.

Timetable:

Action	Date	FR Cite
Project closed Project closed due to other regulations project	06/20/85	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-307-76.

Drafting attorney: Robert E. Culbertson, Jr. (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Reinhold.

Office of International Tax Counsel (Treasury) reviewing attorneys: Sarosdy; Lainoff.

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB57

2601. INCOME TAX--RELATIONSHIP BETWEEN SECTION 527 AND THE FEDERAL ELECTION CAMPAIGN ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 527 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance on the interaction of section 527 of the Internal Revenue Code of 1954 with the Federal Election Campaign Act.

Timetable:

Action	Date	FR Cite
Closed without regulations	02/07/85	
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: EE-6-81.

Drafting attorney: Paul G. Accettura (202) 566-3544.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Paul G. Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE06

2602. INCOME TAX--AMENDMENT OF SEC 1.731-1(C) TO CLARIFY THE TAX TREATMENT OF A DISTRIBUTION OF PROPERTY BY A PARTNERSHIP TO A PARTNER WHO HAD RECENTLY CONTRIBUTED OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 731 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide that if property is contributed to a partnership and within a short period other property is distributed to the contributing partner, the distribution may fall outside of the nonrecognition provision of section 731. The regulations would provide that the substance of the transaction, rather than its form, determines whether the distribution is tax-free. The regulations would provide examples illustrating contribution/distribution transactions that will be treated as a taxable sale or exchange.

Timetable:

Action	Date	FR Cite
Closed due to legislation	03/13/85	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-39-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB84

2603. INCOME TAX--TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY AND INFORMATION RETURNS CONCERNING FOREIGN OWNERSHIP OF U.S. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897 Internal Revenue Code of 1954; 26 USC 6039C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These proposed regulations concern the information returns which must be filed with respect to foreign investment in United States real property interests by certain corporations, partnerships, trusts, estates and nonresident alien individuals. They also concern procedures for establishing that a corporation is not a United States real property holding corporation, and for foreign corporations to elect to be treated as domestic corporations. The proposed regulations also contain provisions defining relevant terms.

Timetable:

Action	Date	FR Cite
Final Action Effective	06/18/80	49 FR 50689
NPRM	09/21/82	47 FR 41581
NPRM Comment Period Begin	09/21/82	
NPRM Comment Period End	11/22/82	
Second NPRM	11/03/83	48 FR 50751
Second Hearing	12/13/83	
Final Action	12/31/84	49 FR 50689

Small Entity: Not Applicable

Additional Information: LR-154-82.

Drafting attorney: Robert Culbertson (202) 566-3289.

Reviewing attorney: Charles C. Saverude.

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB99

2604. ORIGINAL ISSUE DISCOUNT REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code 1954; 26 USC 1275 Internal Revenue Code 1954

CFR Citation: 26 CFR 1

Abstract: Section 1275 (c) (2) of the Internal Revenue Code of 1954 as amended by section 41 of the Deficit Reduction Act of 1984 requires the issuer of a publicly offered debt instrument having original issue discount to furnish the Secretary certain information with respect to such an issue. These temporary regulations require that an issuer of a publicly

offered debt instrument issued at a discount furnish the Secretary with his or her name, address, and taxpayer identification number, the issue date, maturity date, and CUSIP number of the issue, the amount of original issue discount for the entire issue, the issue price (expressed as a percentage of the stated redemption price at maturity), the stated redemption price at maturity, the stated interest rate and dates of interest payments, and a description of the issue. The information will be used to update Publication 1212, a list of publicly offered original issue discount obligations to enable brokers and other middlemen to identify publicly traded OID obligations.

Timetable:

Action	Date	FR Cite
Final Action	06/18/85	50 FR 25219
Final Action Effective	06/18/85	50 FR 25219

Small Entity: Not Applicable

Additional Information: LR-125-84.

Drafting attorney: Theresa E. Bearman (202) 566-3459.

Reviewing attorney: Susan Baker (202) 566-3294.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Theresa E. Bearman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AG50

2605. EXCISE TAX--GAS GUZZLER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4064 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations would define the terms sale, manufacturer, automobile, model year, model type, fuel economy and fuel. The regulations would outline the procedures to be followed by a small manufacturer seeking an alternate rate schedule.

Timetable:

Action	Date	FR Cite
NPRM	02/08/80	45 FR 08669
NPRM Comment Period Begin	02/08/80	45 FR 08669
NPRM Comment Period End	04/08/80	
Hearing	06/19/80	
Final Action	07/23/85	50 FR 29959

Small Entity: Not Applicable

Additional Information: LR-205-78.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC87

2606. HEAVY VEHICLE USE TAX AND TAX ON DIESEL FUEL

Legal Authority: 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4481 Internal Revenue Code of 1954; 26 USC 4482 Internal Revenue Code of 1954; 26 USC 4483 Internal Revenue Code of 1954; 26 USC 6427 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 41; 26 CFR 48

Abstract: These regulations will impose a graduated use tax on heavy vehicles which use public highways. Heavy vehicles which use public highways for less than 5,000 miles (less than 7,500 miles in the case of agricultural vehicles) will be exempt. This tax will be effective July 1, 1984. There will be a one-year reduced rate available for truck fleets of 5 or less. The regulations will also impose an increase in the tax on diesel fuel to 15 cents a gallon and provide a one time credit or refund to original purchasers of lightweight diesel-powered highway vehicles. The increased diesel fuel tax is effective August 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/06/84	49 FR 44300
NPRM Comment Period Begin	11/06/84	49 FR 44300
NPRM Comment Period End	12/06/84	
Hearing held	12/14/84	
Final Action	05/23/85	50 FR 21243

Small Entity: Not Applicable

Additional Information: LR-31-83.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-4206.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AF62

2607. EXCISE TAX--EXEMPT FRONT-END OIL UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4994(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations would provide rules relating to the treatment of front-end tertiary oil under the crude oil windfall profit tax. The proposed regulations explain the exemption from the windfall profit tax for domestic crude oil that is removed from the premises before October 1, 1981, and that is treated as front-end oil and used to finance a front-end tertiary project on one or more properties each of which is a qualified property.

Timetable:

Action	Date	FR Cite
NPRM	12/05/80	45 FR 80551
NPRM Comment Period Begin	12/05/80	45 FR 80551
NPRM Comment Period End	02/04/81	
Hearing	02/24/81	45 FR 80554
Withdrawn	07/05/85	50 FR 27621
Project closed	07/17/85	

Small Entity: Not Applicable

Additional Information: LR-68-80.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD06

2608. CONFORM REGULATIONS UNDER SECTIONS 6015, 6154, 6654 AND 6655 TO SECTION 201(J) OF THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6015 Internal Revenue Code of 1954; 26 USC 6154 Internal Revenue Code of 1954; 26 USC 6654 Internal Revenue Code of 1954; 26 USC 6655 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project would amend the regulations under sections 6015, 6154, 6654, and 6655 to reflect section 201(j) of the Technical Corrections Act of 1982 which adds to the definition of estimated tax an allowance for overpayment of the windfall profit tax in section 4986.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34240
NPRM Comment Period Begin	08/29/84	
NPRM Comment Period End	10/29/84	
Final Action Final Regulations Published	03/26/85	50 FR 11853
Final Action Effective	03/26/85	50 FR 11853

Small Entity: No

Additional Information: LR-54-83.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF66

2609. INCOME TAX--PROCEDURE & ADMINISTRATION--RETURN AND REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6033 Internal Revenue Code of 1954; 26 USC 6034 Internal Revenue Code of 1954; 26 USC 6104 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954; 26 USC 6685 Internal Revenue Code of 1954; 26 USC 7207 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 301

Abstract: The regulations simplify the private foundation return and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/21/84	49 FR 33145
NPRM Comment Period Begin	08/21/84	49 FR 33145
NPRM Comment Period End	10/21/84	
Final Action	05/20/85	50 FR 20755

Small Entity: Not Applicable

Additional Information: EE-35-81.

Drafting attorney: Monice L. Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE14

2610. INCOME TAX-TO AMEND REGULATIONS UNDER INTERNAL REVENUE CODE SECTIONS 6035 AND 6679 RELATING TO RETURNS OF FOREIGN PERSONAL HOLDING COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6035 Internal Revenue Code of 1954; 26 USC 6679 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would amend the regulations under Internal Revenue Code sections 6035 and 6679 to conform to changes made by section 340 of the Tax Equity and Fiscal Responsibility Act of 1982. Those changes simplified the information reporting requirements imposed upon officers, directors and some shareholders of foreign personal holding companies, and added a new thousand-dollar penalty for failure to comply.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35145
NPRM Comment Period Begin	09/06/84	
NPRM Comment Period End	11/06/84	
Final Action	06/04/85	50 FR 23407
Final Action Effective	07/05/85	50 FR 23407

Small Entity: Not Applicable

Additional Information: LR-200-82.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Mary Frances Pearson (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AE29

2611. INCOME TAX--INFORMATION RETURNS REQUIRED OF CERTAIN FOREIGN-OWNED CORPORATIONS; FOREIGN CORPORATION REPORTING REQUIREMENTS AND PENALTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6038 Internal Revenue Code of 1954; 26 USC 6038A Internal Revenue Code of 1954; PL 97-248, Sec 338; PL 97-248, Sec 339

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that certain foreign-owned corporations which transact business with other related corporations must furnish information about those transactions and the transacting corporations. The purpose of the reporting requirement is to verify that income is being reported accurately. The regulations would also amend existing penalty provisions for failure to supply information relating to certain foreign corporations, to conform those provisions to new statutory penalties imposed under the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56076
NPRM Comment Period Begin	12/19/83	48 FR 56076
NPRM Comment Period End	02/17/84	
Public Hearing held	03/29/84	49 FR 8261
Final Action	07/24/85	
Final Action Effective	08/25/85	

Small Entity: Not Applicable

Additional Information: LR-201-82.

Drafting attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff.

Agency Contact: Charles C. Saverude, Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3323**

RIN: 1545-AE43

2612. RETURN OF INFORMATION AS TO PAYMENTS OF $600 OR MORE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation relates to the written statements that trustees and executors furnish to the Internal Revenue Service. The amendment to the regulation would provide that such information returns need not be furnished to the beneficiaries of the trusts or estates.

Timetable:

Action	Date	FR Cite
Project closed without regulations	06/20/85	

Small Entity: Not Applicable

Additional Information: LR-117-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Tax Legislative Counsel reviewing attorney: Richard Reinhold (202) 566-2926.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AF37

2613. FURNISHING STATEMENTS REQUIRED WITH RESPECT TO CERTAIN SUBSTITUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations were designed in order to alleviate certain situations in which multiple deductions or exclusions were being claimed with respect to a single payment made with respect to a single security. These situations developed because of shortcomings in the broker reporting system. These regulations provide that a broker must furnish statements to its customers with respect to certain substitute payments received by the broker on behalf of its customer. These regulations also provide that brokers must make returns of information respecting any customer to which such broker is required to furnish a statement.

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42744
NPRM Comment Period Begin	10/24/84	49 FR 42744
NPRM Comment Period End	12/24/84	
Final Action	06/05/85	50 FR 23676

Small Entity: Not Applicable

Additional Information: LR-133-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG15

2614. NOTICE OF PROPOSED RULEMAKING-INFORMATION RETURNS WITH RESPECT TO SUBSIDIZED ENERGY FINANCING OR GRANTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050D Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules to be followed by persons who administer a Federal, State, or local program a principal purpose of which is to provide subsidized energy financing (as defined in section 23 (c) (10)) or grants for projects to conserve or produce energy.

Timetable:

Action	Date	FR Cite
NPRM	08/02/84	49 FR 30971
NPRM Comment Period Begin	08/02/84	49 FR 30971
NPRM Comment Period End	10/01/84	
Final Action	03/29/85	50 FR 12531
Final Action Effective	00/00/00	

Small Entity: No

Additional Information: LR-23-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG01

2615. TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO CASH IN EXCESS OF $10,000 RECEIVED IN A TRADE OR BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050I Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations will provide rules relating to the requirement of reporting cash in excess of $10,000 received in a trade or business. The regulations will explain what transactions must be reported, who must report with respect to cash

transactions and how and when the reporting must be accomplished. The regulations also provide rules relating to Furnishing Statements to any person identified on a return of information.

Timetable:

Action	Date	FR Cite
Final Action	05/23/85	50 FR 21239

Small Entity: Not Applicable

Additional Information: LR-256-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Jim Bridgeman (202) 566-4902.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG96

2616. PUBLIC INSPECTION OF EXEMPT ORGANIZATION RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6104(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations set forth limitations on the information that will be disclosed to the public by the Internal Revenue Service with respect to the returns filed by certain exempt organizations.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 9306
NPRM Comment Period Begin	03/04/83	48 FR 9306
NPRM Comment Period End	05/03/83	
Final Action	04/15/85	50 FR 14696

Small Entity: Not Applicable

Additional Information: EE-111-80.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Jewett.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE16

2617. TEMPORARY REGULATIONS RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Abstract: This project will remove section 301.6111-2T from the temporary tax shelter registration regulations published August 15, 1985.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/09/85	
Closed	05/09/85	

Small Entity: Not Applicable

Additional Information: LR-308-84.

Drafting attorney: Cynthia L. Clark (202) 566-3228.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3228**

RIN: 1545-AH30

2618. REGULATIONS ON PROCEDURE AND ADMIN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6602 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: These regulations will provide taxpayers with guidance for determining the period of time during which interest accrues on the amount of tax refunded erroneously to the taxpayer.

Timetable:

Action	Date	FR Cite
Closed without regulations	02/15/85	

Small Entity: Not Applicable

Additional Information: LR-59-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG42

2619. INCOME TAX--PENALTIES FOR FAILURE TO MAKE RETURNS OR FURNISH STATEMENTS (AS AMENDED BY SEC. 1123 OF SUBTITLE C OF TITLE II--OMNIBUS RECONCILIATION ACT OF 1980)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide for the imposition of penalties on persons failing to make a return or to furnish a statement under section 6039C relating to returns with respect to United States real property interests.

Timetable:

Action	Date	FR Cite
NPRM	01/06/83	48 FR 675
NPRM Comment Period Begin	01/06/83	48 FR 675
NPRM Comment Period End	03/07/83	
Closed due to legislation	06/27/85	

Small Entity: Not Applicable

Additional Information: LR-153-81.

Drafting attorney: Robert E. Culbertson, Jr. (202) 566-3289.

Reviewing attorney: Charles S. Saverude (202) 566-3323.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lainoff.

01/06/83 Notice of Proposed Rulemaking published.

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AD35

2620. INCOME TAX--ADDITION TO TAX FOR A SUBSTANTIAL UNDERSTATEMENT OF LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6661 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for the computation of the addition to tax, the avoidance of the addition to tax, and for the waiver of such amounts. In connection with avoiding the addition to tax, the regulations would provide guidance on the meanings of substantial authority, adequate disclosure, the more likely than not standard, and the term "tax shelter".

Timetable:

Action	Date	FR Cite
NPRM	03/15/83	48 FR 10862
NPRM Comment Period Begin	03/15/83	48 FR 10862
NPRM Comment Period End	05/16/83	
Hearing	07/12/83	48 FR 24736
Final Action	03/27/85	50 FR 12012

Small Entity: Not Applicable

Additional Information: LR-277-82.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorney: D'Avino.

Agency Contact: **Ewan Purkiss**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF05

2621. INCOME TAX--AMENDMENT OF RETURN PREPARER REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6695 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Amendment of tax return preparer regulations to explain the rule that preparers must inform taxpayers of certain recordkeeping requirements and obtain written confirmation that the recordkeeping requirements were satisfied.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/20/85	
NPRM	10/30/85	

Small Entity: Not Applicable

Additional Information: LR-244-84.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: **Patricia Wendlandt**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH38

2622. PROCEDURE AND ADMINISTRATION--RESTRICTIONS ON CHURCH TAX INQUIRIES AND EXAMINATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7611 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301; 26 CFR 1

Abstract: This regulation will clarify IRS procedures concerning church tax inquiries and examinations.

Timetable:

Action	Date	FR Cite
Final Action	03/11/85	50 FR 9614
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-64-84.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: **Monice Rosenbaum**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AG61

2623. PROCEDURE AND ADMINISTRATION PART 602--TO PROVIDE REGULATIONS RELATING TO THE DISPLAY OF CONTROL NUMBER ASSIGNED BY OMB

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 602

Abstract: This project will provide a table of control numbers assigned to IRS regulations by OMB.

Timetable:

Action	Date	FR Cite
Final Action	03/14/85	50 FR 10221
Final Action Effective	03/14/85	50 FR 10221
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-170-83.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Tax Legislative Counsel attorney: Victor Thuronyi (202) 566-4902.

Agency Contact: **Susan Thompson Baker**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AF94

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

2624. ● SUBSTANTIATION WITH RESPECT TO CERTAIN MEANS OF TRANSPORTATION FOR TAXABLE YEARS BEGINNING AFTER 1984; TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide special rules for satisfying the substantiation requirements of section 274(d) with respect to certain types of vehicles, including employer-provided vehicles that are taxable fringe benefits to employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/85	
Final Action Temporary Regulations	02/20/85	50 FR 7038

Small Entity: Not Applicable

Additional Information: LR-5-85.

Drafting attorney: Michel A. Daze' (202) 566-3829.

Reviewing attorney: George T. Magnatta (202) 566-6456.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Michel A. Daze', Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AH94

2625. ● TREATMENT OF FUNDED WELFARE BENEFIT PLANS (TEMPORARY REGULATION)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 419A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation provides guidance relating to contributions to and reserves of welfare benefit funds maintained pursuant to a collective bargaining agreement.

Timetable:

Action	Date	FR Cite
Final Action	07/03/85	50 FR 27427

Small Entity: Not Applicable

Additional Information: EE-62-85.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AH79

2626. ● TEMPORARY REGULATIONS--AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: The Regulation provides rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity. The aggregation rules apply to taxable years beginning after December 31, 1983, and before January 1, 1985.

Timetable:

Action	Date	FR Cite
Final Action	03/11/85	50 FR 9613

Small Entity: Not Applicable

Additional Information: LR-17-85.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Rick D'Avino (202) 566-4979.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH92

2627. ● INCOME TAX-TEMPORARY REGULATIONS--ALTERNATE METHOD FOR DETERMINING THE APPLICABLE FEDERAL RATE WITH RESPECT TO CERTAIN DEBT INSTRUMENTS ISSUED FOR PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 467 (h) Internal Revenue Code of 1954; 26 USC 483 (g) Internal Revenue Code of 1954; 26 USC 1275 (d) Internal Revenue Code of 1954; 26 USC 7872 (g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations will establish an alternate method for computing the applicable Federal rate used by various Code sections. The regulations will also provide special rules for applying the applicable Federal rate to sales or exchanges of property.

Timetable:

Action	Date	FR Cite
Final Action	02/19/85	50 FR 6937
Final Action Effective	02/19/85	50 FR 6937

Small Entity: Not Applicable

Additional Information: LR-16-85.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: Susan Baker (202) 566-3294.

Treasury attorney: David Garlock (202) 566-8277.

Agency Contact: Ewan D. Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH78

2628. ● EMPLOYEE TIP REPORTING AND SUBSTANTIATION REQUIREMENTS (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 6001 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec 1072 (b) Tax Reform Act of 1984

CFR Citation: 26 CFR 31

Abstract: This regulation contains temporary regulations relating to employee tip reporting and substantiation requirements to reflect changes in the tax law made by section 1072 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Final Action Temporary Regulation Published	07/23/85	50 FR 29964

Small Entity: Not Applicable

Additional Information: LR-87-85.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH77

2629. ● AMENDMENT OF REGULATIONS TO PERMIT DISCLOSURE OF TAX RETURN INFORMATION BY A FRANCHISEE TAX RETURN PREPARER TO ITS FRANCHISOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7216 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would allow disclosure of tax return information by franchisee tax return preparers to their

franchisors for the purpose of quality control.

Timetable:

Action	Date	FR Cite
Closed--regulations unnecessary	07/11/85	

Small Entity: Not Applicable

Additional Information: LR-15-85.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH93

[FR Doc. 85-21620 Filed 10-28-85; 8:45 am]

BILLING CODE 4830-01-T

federal register

Tuesday
October 29, 1985

Part XVI

ACTION

Semiannual Regulatory Agenda

ACTION

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation, Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision or review during the next year. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda contact Ronald C. Owens, Associate General Counsel, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, (202) 634-9333.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by ACTION are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

DATED: September 12, 1985.

Rick Ventura,

Acting Director.

ACTION (ACTION) — Current and Projected Rulemakings

2630. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Abstract: In accordance with 42 USC 2000(d)(1) ACTION will promulgate regulations implementing provisions of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, as amended, and section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibit discrimination on the basis of race, color, national origin, religion or sex, in federally assisted programs. Relevant provisions of existing ACTION title VI regulations will be subsumed into this new regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, ACTION, Office of Compliance, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9757**

RIN: 3001-AA06

2631. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ACTION PROGRAMS

Legal Authority: 29 USC 794; 42 USC 5057; 42 USC 5060

CFR Citation: 00 CFR None

Abstract: In accordance with section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), ACTION will promulgate implementing regulations which prohibit discrimination on the basis of handicap in federally conducted programs and activities. ACTION regulations prohibiting discrimination on the basis of handicap in federally assisted programs are contained in 45 CFR 1232.

Timetable:

Action	Date	FR Cite
DOJ review received by Agency	05/00/85	
Agency rewrite/revision pending - expect return to DOJ by	11/30/85	

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, ACTION, Office of Compliance, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9757**

RIN: 3001-AA07

2632. DENIAL OF APPLICATION FOR REFUNDING

Legal Authority: 42 USC 5052; 42 USC 5060

CFR Citation: 45 CFR 1206

Abstract: In accordance with Public Law 98-288, 1984 amendments to the Domestic Volunteer Service Act of 1973, ACTION will revise existing denial of refunding regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: J. C. Argetsinger, General Counsel, ACTION, 806 Connecticut Ave., NW, M-607, Washington, DC 20525, **202 634-9333**

RIN: 3001-AA08

[FR Doc. 85-22352 Filed 10-28-85; 8:45 am]

BILLING CODE 6050-28-T

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Tuesday
October 29, 1985

Part XVII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ACHP

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Ch. VIII

Regulatory Agenda

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of regulatory agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of each proposed and final regulation that the Advisory Council on Historic Preservation expects to publish in the **Federal Register** during the next twelve (12) months.

ADDRESS: Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, N.W., Suite 809, The Old Post Office Building, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: John Fowler, General Counsel, Advisory Council on Historic Preservation, 202-786-0503.

DATED: August 21, 1985.

Robert R. Garvey, Jr.,

Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) — Current and Projected Rulemakings

2633. PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Significance: Agency Priority

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 800

Abstract: In order to streamline and increase the effectiveness of the Council's regulations at 36 CFR Part 800, the Council is in the process of preparing revisions to its regulations. The reason for the revisions is to implement new regulatory authorities set forth in PL 96-515, and to improve the efficiency of the historic preservation review process. The alternative to revision of the regulations is to leave them as they are, which would not achieve the goals the Council seeks. The revisions are expected to reduce the cost of complying with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Revisions to Regulations	00/00/00	

Small Entity: No

Agency Contact: John M. Fowler, General Counsel, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW, Suite 809, Washington, DC 20004, 202 786-0503

RIN: 3010-AA00

[FR Doc. 85-20986 Filed 10-28-85; 8:45 am]

BILLING CODE 4310-10-T

federal register

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October 29, 1985

Part XVIII

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ATBCB

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next twelve months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Ms. Sally Free, Director, Office of Technical Services, 202/472-2700 (voice or TDD), or 202/245-1591 (messages--voice or TDD).

Charles Hauser,

Chairperson, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Current and Projected Rulemakings

2634. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1154

Abstract: This proposed regulation sets forth procedures and policies to assure nondiscrimination on the basis of handicap in programs and activities conducted by the Board. Patterned on the prototype regulation prepared by the Department of Justice, the draft regulation is under consideration by the Board.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	
NPRM Comment Period Begin	03/11/85	
NPRM Comment Period End	07/09/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: Merrily Raffa, General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, DC 20202, **202 245-1591**

RIN: 3014-AA02

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Existing Regulations Under Review

2635. MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Significance: Agency Priority

Legal Authority: 29 USC 792(b)(7) Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1190

Abstract: Specific provisions of the ATBCB Minimum Guidelines and Requirements for Accessible Design have been reserved until such time as sufficient research, information, and/or field experience is obtained. In addition to these reserved provisions, the Board has indicated that additional information would be useful on other provisions contained in the regulation and on other access issues. As materials and experience become available in these areas, the Board plans to take the appropriate action to complete or revise these requirements. Information on alternatives being considered for addressing a particular provision, and the potential costs and benefits of the action being proposed will be provided during the rulemaking process. The last revision to the Minimum Guidelines and Requirements for Accessible Design was published 08/04/82 (47 FR 33862).

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: Ms. Sally Free, Director-Office of Technical Services, Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, DC 20202, **202 472-2700**

RIN: 3014-AA00

[FR Doc. 85-22353 Filed 10-28-85; 8:45 am]

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Tuesday
October 29, 1985

Part XIX

Council on Environmental Quality

Semiannual Regulatory Agenda

CEQ

COUNCIL ON ENVIRONMENTAL QUALITY

Semiannual Agenda of Regulations September 10, 1985

AGENCY: Council on Environmental Quality.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605) and Executive Order No. 12291, "Federal Regulations," dated February 17, 1981 the Council on Environmental Quality is required to publish in April and October of each year an agenda of proposed regulations that the Council has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Questions should be addressed to: Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006 (202) 395-5754.

Kemp R. Harshman,

Executive Officer.

COUNCIL ON ENVIRONMENTAL QUALITY (CEQ) — Current and Projected Rulemakings

2636. NATIONAL ENVIRONMENTAL POLICY ACT REGULATION ON INCOMPLETE OR UNAVAILABLE INFORMATION

Significance: Agency Priority

Legal Authority: EO 11991; 42 USC 4321 to 4347

CFR Citation: 40 CFR 1502.22

Abstract: An Advance Notice of Proposed Rulemaking reported in the April, 1985 Semiannual Agenda resulted in a Council decision to amend 40 C.F.R. 1502.22. The regulation had been under review for resolution of the issues raised by judicial opinions. A proposed amendment was published in the Federal Register on Friday, August 9, 1985. 50 Fed. Reg. 32.234 (1985).

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50744
ANPRM Comment Period Begin	12/31/84	49 FR 50744
ANPRM Comment Period End	02/15/85	
NPRM	08/09/85	50 FR 32234
NPRM Comment Period Begin	08/09/85	50 FR 32234
NPRM Comment Period End	09/23/85	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW, Washington, DC 20006, 202 395-5754

RIN: 0331-AA01

[FR Doc. 85-22354 Filed 10-28-85; 8:45 am]

BILLING CODE 3125-01-T

federal register

Tuesday
October 29, 1985

Part XX

Environmental Protection Agency

Semiannual Regulatory Agenda

EPA

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL #2905-7]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Regulatory agenda.

SUMMARY: EPA revises the Regulatory Agenda semiannually and it appears in the **Federal Register** each April and October. It provides specific information on the status of regulations that are under development, revision, and review at the Agency. The Agenda is published to keep interested parties informed of the progress of EPA regulations.

ADDRESSES: For specific information on any item in the Agenda, please contact the person listed with each entry.

If you have any suggestions for improving this publication, or need general information about the Agenda, please call or write to Angela Tyler, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C. 20460, (202) 382-7203.

If you want to be on the mailing list for future Agendas, please call or write to Penelope Parker, Regulation and Information Management Division, Environmental Protection Agency, PM-223, Washington, D.C. 20460, (202) 382-5480.

FOR FURTHER INFORMATION CONTACT: Angela Tyler, (202) 382-7203.

SUPPLEMENTARY INFORMATION:

Organization of the Agenda

The Agenda is organized by statutory area -- generally by the titles of the major legislation authorizing EPA's pollution control programs. In a few cases, the Agenda combines regulations with differing statutory authorities that have closely-related subject matter. For example, the Fuel Economy Data regulation under the Energy Policy and Conservation Act appears together with mobile source regulations under the Clean Air Act.

The statutory areas appear in the following order:

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Toxic Substances Control Act (TSCA)
Clean Water Act (CWA)
Marine, Protection, Research, and Sanctuaries Act (MPRSA)
Atomic Energy Act (AEA)
Safe Drinking Water Act (SDWA)
Resource Conservation and Recovery Act (RCRA)
Hazardous and Solid Waste Management Act (HSWA)
Clean Air Act (CAA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
General -- Other Acts (including general grant and procurement regulations and regulations that cut across several program areas)

This Agenda includes the HSWA amendments that reauthorized the RCRA program. The President signed HSWA into law on November 8, 1984. Many of the provisions were effective immediately; other provisions establish tight schedules for Agency rulemaking. Also, some sections of the statute include "hammer" provisions -- i.e., requirements that are effective on a certain date if EPA fails to issue regulations before that date.

Within each statutory area the entries are divided into three categories: (1) Regulations currently under development; (2) regulations under review; and (3) regulations and reviews of regulations that EPA is deleting from the Agenda because the Agency has completed, withdrawn, or postponed them indefinitely. Detailed information on each of these sections is presented below.

Appendix A includes a list of abbreviations of terms used in this document.

I. Current and Projected Regulations

Current and projected regulations are generally listed in the Agenda once they are within a year of scheduled publication as a notice of proposed rulemaking (NPRM) or final action. Very important regulations under development will usually appear even if the scheduled publication dates are more than a year away.

Current and projected regulations appear as: (a) "New Regulations," i.e., actions that will create new CFR parts, subparts, or subsections; or (b) "Revised Regulations," i.e., actions that revise or amend already existing CFR parts, subparts, or subsections. The word "revision" will appear in parentheses after the title of each regulation undergoing revision. All regulations appearing in the Agenda for the first time are marked with bullets (●).

The regulations are ordered numerically, by section number of the authorizing legislation. For example, all air regulations under section 109 of the Clean Air Act will appear before those under section 111.

The current and projected listings include all "significant" EPA regulations. Some are top priority regulations under development that:

- Are subject to Executive Order 12498; or
- The Agency has designated for priority development or revision.

However, the listings exclude: (a) Specialized categories of actions (such as EPA approvals of state plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing rules).

For each current and projected regulation the Agenda includes:

- The title
- The priority classification (if applicable)
- The legal authority
- The CFR reference
- A short abstract
- An analysis section (if the Agency is preparing a Regulatory Impact Analysis [RIA] and/or a Regulatory Flexibility Analysis [RFA])
- A timetable of existing and scheduled actions
- A reference to small entity impacts
- An Agency contact, and
- An additional information section

The additional information section includes the FTS phone number for the Agency contact. It also includes the Start Action Request (SAR) number, which is assigned to the regulation for internal tracking purposes.

II. Regulations Under Review

The Agenda identifies existing EPA regulations: (1) That are now under review, or (2) whose review will begin before EPA publishes the next Agenda. The purpose of such reviews is to determine whether the Agency should revise the rule, rescind it, or leave it unchanged. When finished, these reviews will appear in the completed section of the Agenda. If EPA decides to

revise or rescind the regulation, the action will appear in the following Agenda as an entry in the appropriate section for current and projected rules, and will state the timetable for completing the revision or rescission.

For each regulation under review, the Agenda provides the title, a short abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which in many cases is different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12498 is intended to establish annually the Administration's Regulatory Program. Its purpose is to minimize duplication and conflict among regulatory activities and enhance public understanding of the Administration's regulatory objectives.

It defines priority activities that the Agency will work on during the upcoming year.

Executive Order 12291 establishes the general policy that EPA should review its regulations to ensure that the costs of these regulations are justified by their benefits.

The Regulatory Flexibility Act requires that EPA review existing regulations that have a significant impact on a substantial number of small entities, including small businesses, small organizations, and small governments, at least once every ten years. EPA invites public comment on the need to revise the list of regulations EPA is reviewing under the Regulatory Flexibility Act.

Reviews under the RFA are identified by a "Yes" in the "small entity" category. When the Agency completes reviews of regulations with a significant impact on small entities, the Agenda entry includes an abstract that announces the Agency's decision of whether to revise, rescind, or leave the regulation unchanged. This announcement complies with the RFA and EPA's July 16, 1981 plan (46 FR 36930) for reviewing regulations under the Act.

The Paperwork Reduction Act requires EPA to review its information collection activities to determine that the Agency needs and will actually use all of the information that will be collected. The Agency should make sure that it will manage the information as efficiently as possible.

EPA must also ensure that the information to be collected is of high quality, appropriate for its intended use, and does not already exist at EPA or at some other Federal agency. In addition, the Act requires EPA to review the cost of collecting the information, so that it will be held to a minimum for both the respondent and EPA.

III. Completed Actions

These are actions that appeared in the last Agenda, but which EPA is deleting because they are completed or are no longer under consideration. The information given on these regulations and reviews of regulations is less detailed than for those that are still under consideration. Generally, entries include: (1) The date and **Federal Register** citation, if any, of the last action on the regulation, and (2) an explanation of why the Agency is deleting the regulation from the Agenda.

DATED: September 26, 1985.

John M. Campbell,

Deputy Assistant Administrator for Policy, Planning, and Evaluation.

Appendix A: (Abbreviations)

ANPRM - Advance Notice of Proposed Rulemaking
AOD - Argon-Oxygen Decarbonization
BAT - Best Available Technology
BCT - Best Conventional Technology
BOD - Biochemical Oxygen Demand
BPT - Best Practicable Technology
CA - Cooperative Agreements
CAG - Carcinogenic Assessment Group
CBOD - Carbonaceous Biochemical Oxygen Demand
CEQ - Council on Environmental Quality
CFR - Code of Federal Regulations
DOE - Department of Energy
EAF - Electric Arc Furnaces
FR - Federal Register
FTS - Federal Telecommunications System
GCWR - Gross Combination Weight Rating
GVWR - Gross Vehicle Weight Rating
HDE - Heavy-Duty Engine
HDT - Heavy-Duty Truck
HDV - Heavy-Duty Vehicle
ICS - Intermittent Control System
LDT - Light-Duty Truck
LDV - Light-Duty Vehicle
MCL - Maximum Contaminant Level
NEPA - National Environmental Policy Act
NPDES - National Pollutant Discharge Elimination System
NPRM - Notice of Proposed Rulemaking
NRDC - Natural Resources Defense Council
NSO - Nonferrous Smelter Orders
NSPS - New Source Performance Standards
OAQPS - Office of Air Quality Planning and Standards
OPP - Office of Pesticide Programs
OPTS - Office of Pesticides and Toxic Substances
OSHA - Occupational Safety and Health Administration
PCB - Polychlorinated Biphenyl
POTW - Publicly Owned Treatment Work
PSD - Prevention of Significant Deterioration
PSES - Pretreatment Standards for Existing Sources
PSNS - Pretreatment Standards for New Sources
RFA - Regulatory Flexibility Act
RIA - Regulatory Impact Analysis
RIN - Regulatory Identifier Number
RMCL - Recommended Maximum Contaminant Level
SAR - Start Action Request
SIC - Standard Industrial Code
SSC - State Superfund Contracts
TSS - Total Suspended Solids
UIC - Underground Injection Control
USC - United States Code
VOC - Volatile Organic Chemical

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Current and Projected Rulemakings

Sequence Number	Title		Regulation Identifier Number
2637	SAR No. 1828.	Restricted Use Classification for Certain Active Ingredients Used in Fumigants	2070-AA00
2638	SAR No. 1964.	Comprehensive Revision of Pesticide Registration and Classification Procedures (Revision)	2070-AA56

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Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2639	SAR No. 1932. Special Review Criteria and Procedures (Revision)	2070-AA57
2640	SAR No. 1965. Pesticide Products; Package Size Exemption for Child Resistant Packaging (Revision)	2070-AA93
2641	SAR No. 2252. Pesticide Registration Standards: Docketing and Public Participation Procedures	2070-AB33
2642	SAR No. 2123. Policy Statement Regarding Certain Microbial Products	2070-AB34
2643	SAR No. 2289. Labeling Requirements for Pesticides and Devices (Revision)	2070-AB46
2644	SAR No. 1963. Tolerance Fees for Pesticide Chemicals (Revision)	2070-AA46
2645	SAR No. 2180. Enforcement Policy Regarding Failures to Report Information Under Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)(REVISION)	2070-AB12
2646	SAR No. 2179. Rescission of Efficacy Data Waiver for Vertebrate Control Products (Revision)	2070-AB19
2647	SAR No. 1747. Registration of Pesticide Producing Establishments (Revision)	2070-AA04
2648	SAR No. 2017. Rule Governing Issuance of Emergency Exemptions from FIFRA (Revision)	2070-AA41
2649	SAR No. 2006. Guidelines on Disposal and Storage of Pesticides (Revision)	2070-AA61
2650	SAR No. 1640. Worker Protection Standards for Agricultural Pesticides (Revision)	2070-AA49

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2651	SAR No. 2251. Pesticides Applied to Bodies of Water (Revision)	2070-AB32
2652	SAR No. 2013. User Charges for Pesticide Registrations	2070-AA64

Toxic Substances Control Act (TSCA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2653	SAR No. 1137. Decisions on Test Rules for the Interagency Testing Committee (ITC) Priority Lists 8th and 10th through 16th	2070-AB07
2654	SAR No. 2253. Dioxins/Furans: Testing Rule and Requirements for Data Submission	2070-AB21
2655	SAR No. 2245. General Exemption Policy for Test Rules (Revision)	2070-AB30
2656	SAR No. 2124. Chemical Category Evaluations	2070-AB17
2657	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
2658	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals	2070-AA59
2659	SAR No. 1134a. Premanufacture Notification: Stayed Provisions (Revision)	2070-AA94
2660	SAR No. 2250. General Regulations on Significant New Use Rules (SNURs) (Revision)	2070-AB26
2661	SAR No. 2246. Significant New Use Rules to Extend Provisions of Section 5(e) Orders	2070-AB27
2662	SAR No. 2123. Policy Statement Regarding Certain Microbial Products	2070-AB31
2663	SAR No. 2032. Regulatory Investigation of 2-Ethoxyethanol, 2-Methoxyethanol and Their Acetates (Glycol Ethers)	2070-AA71
2664	SAR No. 2114. Section 9 Report on 1,3-Butadiene	2070-AB04
2665	SAR No. 2149. Regulatory Investigation of Metalworking Fluids	2070-AB09
2666	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
2667	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Renewal of Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
2668	SAR No. Regulatory Investigation of 4,4'-Methylenebis (2- Chloroaniline)(MBOCA)	2070-AB22
2669	SAR No.2243. Asbestos Abatement Building Occupant Protection Rule	2070-AB23
2670	SAR No. 2249 Asbestos Abatement Worker Protection Rule(Revision)	2070-AB24
2671	SAR No.2244. Polychlorinated Biphenyls (PCBs): Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Exclusions and Use Authorizations (Revision)	2070-AB25
2672	SAR No. 2296. Action Concerning Commercial and Industrial Use of Asbestos	2070-AB29
2673	SAR No. 2284. Regulatory Investigation of Methylene Chloride	2070-AB41
2674	SAR No. 2295. Asbestos in Schools Inspection Rule	2070-AB44
2675	SAR No. 2297. PCB Spills Cleanup Policy and PCB Recordkeeping Amendments	2070-AB45
2676	SAR No. 1138a. Section 8(c) Records and Reports of Allegations of Significant Adverse Reactions to Health and the Environment (Revision)	2070-AA86
2677	SAR No. 1137d. Chemical Information Rules; Additional Automatic Reporting (Revision)	2070-AA98
2678	SAR No. 2115. Partial Updating of Certain TSCA Inventory Data	2070-AA99
2679	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rule	2070-AB08
2680	SAR No. 1139a. Section 8(d) Health and Safety Data Reporting Rule	2070-AB11

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Toxic Substances Control Act (TSCA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2681	SAR No. 2129. TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR)	2070-AB13
2682	SAR No. 1139b. Section 8(d) Health and Safety Reporting Rule (revision)	2070-AB35

Toxic Substances Control Act (TSCA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
2683	SAR No. Review of TSCA Section 8(c) Adverse Reactions Reporting and Recordkeeping Requirements	2070-AB03

Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2684	SAR No. 1820. PMN Exemption for Low Volume Chemicals	2070-AA36
2685	SAR No. 2124. Chemical Category Evaluation	2070-AB17
2686	SAR No. 2247. General Significant New Use Rule (SNUR)	2070-AB28
2687	SAR No. 2056. PCB Transformer Fires Rule (Revision)	2070-AA70
2688	SAR No. 1139b. Health and Safety Data Reporting; Submission of Tests and Copies of Health and Safety Data (Revision)	2070-AA76
2689	SAR No. 2176. Section 9 Report on 4,4'- Methylenedianiline (4,4'-MDA)	2070-AB15

Clean Water Act (CWA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2690	SAR No. 2163. State Sludge Program Regulations	2040-AA73
2691	SAR No. 1722. Simplifying Construction Grants Regulations (Revision)	2040-AA70
2692	SAR No. 2267. Cost Control of Construction Grant Increases Regulation (Revision)	2040-AA71
2693	SAR No. 1725. NPDES New Source and Short Application Forms (Revision)	2040-AA00
2694	SAR No. 1404. Requirements for Application for 301(c) Variances	2040-AA01
2695	SAR No. 1415. Effluent Guidelines for Organic Chemicals and Plastics and Synthetic Fibers	2040-AA05
2696	SAR No. 1649. Effluent Guidelines for Offshore Oil and Gas Extraction Industry (Revision)	2040-AA12
2697	SAR No. 1427. Effluent Guidelines for Pharmaceuticals (Revision)	2040-AA13
2698	SAR No. 1411. Effluent Guidelines for Paint Formulation	2040-AA15
2699	SAR No. 1411A. Effluent Guidelines for Ink Formulation	2040-AA16
2700	SAR No. 1425. Effluent Guidelines for Gum and Wood	2040-AA17
2701	SAR No. 1426. Effluent Guidelines for Pesticides	2040-AA18
2702	SAR No. 1432. Effluent Guidelines for Metal Molding and Casting (Foundries)	2040-AA20
2703	SAR No. 1911. Effluent Guidelines for Nonferrous Metals (Phase II)	2040-AA27
2704	SAR No. 1910. Effluent Guidelines for Adhesives and Sealants	2040-AA30
2705	SAR No. 1420. Effluent Guidelines for Rubber Processing (Revision)	2040-AA42
2706	SAR No. 1969. Effluent Guidelines for Pulp, Paper, and Paperboard (PCB's) (Revision)	2040-AA63
2707	SAR No. 1413. Effluent Guidelines for Ore Mining and Dressing (Placer Mining)	2040-AA65
2708	SAR No. 1414. Effluent Guidelines for Coal Mining (Revision)	2040-AA66
2709	SAR No. 2213. Effluent Guidelines for Plastics Molding and Forming (Phthalates)	2040-AA77
2710	SAR No. 1409. Effluent Guidelines for Leather Tanning (Revision)	2040-AA91
2711	SAR No. 1438. Effluent Guidelines for Aluminum Forming (Revision)	2040-AA92
2712	SAR No. 1433. Effluent Guidelines for Copper Forming (Revision)	2040-AA93
2713	SAR No. 1434. Effluent Guidelines for Battery Manufacturing	2040-AA95
2714	SAR No. 1752. Best Conventional Pollutant Control Technology (BCT) Cost Test and BCT Effluent Guidelines(Revision)	2040-AA45
2715	SAR No. 1900. General Pretreatment Regulations: Definitions for Passthrough and Interference (Revision)	2040-AA46

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Clean Water Act (CWA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2716	SAR No. 1451. Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements of Section 402	2040-AA34
2717	SAR No. 1579. Discharge of Oil (Revision)	2040-AA48
2718	SAR No. 2200. NPDES Regulations: Stormwater Application Requirements (Revision)	2040-AA79
2719	SAR No. 2304. Future Effluent Guidelines -- Standards Initiatives	2040-AA90
2720	SAR No. 2212. General Pretreatment Regulations: Response to PIRT (Revision)	2040-AA81
2721	SAR No. 2162. Technical Sludge Regulations	2040-AA74
2722	SAR No. 2140. Ocean Incineration Regulations (Revision)	2040-AA72
2723	SAR No. 2189 Comprehensive Revisions to Ocean Dumping Regulations	2040-AA78

Clean Water Act (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2724	SAR No. 1634. Waivers from BAT for Nonconventional Pollutants under 301(g) (Revision)	2040-AA02
2725	SAR No. 1908. Effluent Guidelines for Nonferrous Metals Forming	2040-AA32
2726	SAR No. 2210. Secondary Treatment Regulations: Percent Removal Requirements (Revision)	2040-AA80
2727	SAR No. 1544. Removal of Oil and Hazardous Substance Discharges	2040-AA33
2728	SAR No. 2086. NPDES Permit Regulations for Noncompliance and Program Reporting (Revision)	2040-AA67
2729	SAR No. 1604. Ocean Dumping Criteria (Revision)	2040-AA52
2730	SAR No. Review of General Pretreatment Program Information Collection Requirements	2040-AA68

Atomic Energy Act (AEA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2731	SAR No. 1161. Guidance for Occupational Radiation Exposure (Revision)	2060-AA00
2732	SAR No. 1162. Transuranium Elements	2060-AA01
2733	SAR No. 1525. Radiofrequency Radiation Guidance	2060-AA02
2734	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AA04
2735	SAR No. 2073. Residual Radioactivity	2060-AB31

Atomic Energy Act (AEA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2736	SAR No. 1163. Environmental Protection Standards for High-level Radioactive Waste	2060-AA03

Safe Drinking Water Act (SDWA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2737	SAR No. 1567. National Primary Drinking Water Regulations: Maximum Contaminant Levels for Volatile Organic Chemicals Found in Drinking Water	2040-AA53
2738	SAR No. 1755. National Primary Drinking Water Regulations: Inorganic and Organic Compounds and Microbiological Contaminants and Turbidity (Revision)	2040-AA55
2739	SAR No. 1756. National Primary Drinking Water Regulations: Fluoride (Revision)	2040-AA56
2740	SAR No. 2281. National Primary Drinking Water Regulation: Radionuclides	2040-AA94

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Safe Drinking Water Act (SDWA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2741	SAR No. 2131 Underground Injection Control Program: Indian Lands	2040-AA76

Safe Drinking Water Act (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2742	SAR No. 2012. Underground Injection Control Program: Federally Administered Programs (Phase II)	2040-AA69

Noise Control Act (NCA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2743	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24
2744	SAR No. 2045. Motor Carriers Engaged in Interstate Commerce: Noise Emission Standards (Revision)	2060-AB20

Resource Conservation and Recovery Act (RCRA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2745	SAR No. 2207. Containerized Liquids in Landfills	2050-AB12
2746	SAR No. 2211. Prohibition of Underground Injection of Wastes	2050-AB34
2747	SAR No. 2111. Identification and Listing of Hazardous Wastes: Acute Hazardous Waste Mixture Rule (Revision)	2050-AA85
2748	SAR No. 2105. Identification and Listing of Hazardous Wastes: Listing of Commercial Chemical Products (Revision)	2050-AA87
2749	SAR No. 2168. Proposed Reinterpretation of Mining Waste Exclusion (Smelting/Refining)	2050-AB56
2750	SAR No. 2204. Retrofitting Interim Status Surface Impoundments	2050-AB03
2751	SAR No. 2224 Criteria for Classification of Solid Waste Disposal Facilities and Practices	2050-AB21
2752	SAR No. 2240. Air Emission Regulations for Hazardous Waste Treatment, Storage, and Disposal Facilities	2050-AB33
2753	SAR No. Identification and Listing of Hazardous Wastes	2050-AB46
2754	SAR 2274 Identification and Listing of Hazardous Waste: Iron Dextran	2050-AB54
2755	SAR No. 2208. Hazardous Waste Exports	2050-AB13
2756	SAR No. 1713. Standards for the Management of Specific Hazardous Wastes: Waste Oil	2050-AA00
2757	SAR No. 1935. RCRA Small Quantity Generator Rule (Revision)	2050-AA59
2758	SAR No. 2079. Hazardous Waste as Fuels: Administrative Standards	2050-AA74
2759	SAR No. 2062. Identification and Listing of Hazardous Wastes: Toxicity Characteristic Modification	2050-AA78
2760	SAR No. 2068. Identification and Listing of Hazardous Wastes: Test Methods for Hazardous Waste (Revision)	2050-AA82
2761	SAR No. 2166. Schedule for Reviewing Wastes for Possible Land Disposal Restriction	2050-AA97
2762	SAR No. 1817. Hazardous Waste Management: Miscellaneous and Experimental Units	2050-AA23
2763	SAR No. 1878. Restriction of Land Disposal of Certain Hazardous Wastes: Solvents, Dioxins and Establishing the Framework for EPA's Land Disposal Program	2050-AA30
2764	SAR No. 1844. Consolidated Permits: Class Permits	2050-AA36
2765	SAR No. 1957. Standards for Storage or Treatment of Hazardous Waste in Tank Systems	2050-AA57
2766	SAR No. 1948. Standards for Owners/Operators of Waste Facilities: Financial Responsibility for Corrective Action-As Necessary and Desirable	2050-AB39
2767	SAR No. 2078. Hazardous Waste as Fuels: Technical Standards	2050-AA72
2768	SAR No. 2080. Land Disposal Liner and Leak Detection Regulation	2050-AA76
2769	SAR No. 2165. Standards for Owners and Operators of Waste Facilities: Closure and Post-Closure Care (Revision)	2050-AB00
2770	SAR No. 2223 and 2273 Alternate Concentration Limits (ACL)and Other Groundwater Regulatory Amendments	2050-AB20
2771	SAR No. 2225. Financial Responsibility for Corrective Action: Prior Releases	2050-AB22
2772	SAR No. 2229 and 2273 Use of Appendix VIII for Groundwater Monitoring	2050-AB27
2773	SAR No. 2187. Proposed Codification Rule for the 1984 RCRA Amendments	2050-AB58
2774	SAR No. 2273. Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Storage	2050-AB47

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Resource Conservation and Recovery Act (RCRA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2775	SAR No. 1805. Consolidated Permits: Minor Modifications to Existing RCRA Permits (Revision)	2050-AA37
2776	SAR No. 2158. Amendment to State Program Capability Requirements	2050-AB01
2777	SAR No. 2206. Streamlining Approval of State Program Revisions	2050-AB11
2778	SAR No. 2011. Guideline for Federal Procurement of Paper and Paper Products Containing Recovered Materials	2050-AA68
2779	SAR No. 2259. Guidelines for Rubber Asphalt	2050-AB52
2780	SAR No. 2257. Guidelines for Procurement of Re-refined Oil	2050-AB53
2781	SAR No. 2209. Notification Form for Underground Tanks	2050-AB14
2782	SAR No. 2221. Leaking Underground Storage Tanks: Regulations for Tanks	2050-AB19
2783	SAR No. 2222. Interpretive Rule for the Lust Interim Prohibition	2050-AB57
2784	SAR No. 2234. Requirements for Authorization of States: Underground Storage Tank Programs	2050-AB31

Resource Conservation and Recovery Act (RCRA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
2785	SAR No. REVIEW OF STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: FOR LANDFILLS	2050-AA50

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2786	SAR No. 2063. Identification and Listing of Hazardous Wastes: Ignitable Hazardous Waste	2050-AA77
2787	SAR No. 2021. Identification and Listing of Hazardous Wastes: Michigan Petition	2050-AA84
2788	SAR No. 2155. Identification and Listing of Hazardous Wastes: Nitrotoluenes/Toluidines Manufacturing Wastes	2050-AA92
2789	SAR No. 2157. Identification and Listing of Hazardous Wastes: Methyl Bromide Manufacturing Wastes	2050-AA93
2790	SAR No. 2156. Identification and Listing of Hazardous Wastes: Diphenylamine Manufacturing Wastes	2050-AA94
2791	SAR No. 2154. Identification and Listing of Hazardous Waste: Linuron and Bromacil Manufacture Wastes	2050-AA95
2792	SAR No. 2153. Identification and Listing of Hazardous Wastes: Listing of Used Oil	2050-AA96
2793	SAR No. 2170. Identification and Listing of Hazardous Waste: Diallate/triallate Production Wastes	2050-AB05
2794	SAR No. 2205. Identification and Listing of Hazardous Waste: Chlorotoluenes Production Wastes	2050-AB06
2795	SAR No. 2172. Identification and Listing of Hazardous Waste: Carbon Disulfide Production Wastes	2050-AB07
2796	SAR No. 2173. Identification and Listing of Hazardous Wastes: Lead Alkyls Production Wastes	2050-AB08
2797	SAR No. 2174. Identification and Listing of Hazardous Wastes: Wood Preserving Wastes	2050-AB09
2798	SAR No. 2171. Identification and Listing of Hazardous Wastes: Nitroanilines Production Wastes	2050-AB10
2799	SAR No. 2219. Identification and Listing of Hazardous Wastes: Coal Slurry Pipeline Effluent	2050-AB16
2800	SAR No. 2220. Identification and Listing of Hazardous Wastes: Paint Manufacturing Wastes	2050-AB17
2801	SAR No. 2226. Identification and Listing of Hazardous Wastes: Petroleum Refinery Wastes	2050-AB24
2802	SAR No. 2227. Identification and Listing of Hazardous Wastes: Listing of Coke By-Product Wastes	2050-AB25
2803	SAR No. 2235. Identification and Listing of Hazardous Waste Inorganic Chemicals Industry Production	2050-AB32
2804	SAR No. 1761. Identification and Listing of Hazardous Wastes: Hexavalent Chromium Modification (Revision)	2050-AA06
2805	SAR No. 1858. Identification and Listing of Hazardous Wastes: Revise and Expand Solvent Listings (Revision)	2050-AA09
2806	SAR No. 1854. Identification and Listing of Hazardous Wastes: Residuals from Production of C1-C6 Chlorinated Aliphatic Compounds (Revision)	2050-AA11
2807	SAR No. 1954. Identification and Listing of Hazardous Wastes: Dimethylhydrazine Manufacturing Waste	2050-AA61
2808	SAR No. 1862. Identification and Listing of Hazardous Wastes: Organobromine Manufacturing Wastes (Revision)	2050-AA62
2809	SAR No. 1955. Identification and Listing of Hazardous Wastes: Toluene Diisocyanate Manufacturing Wastes	2050-AA63
2810	SAR No. 1944. Identification and Listing of Hazardous Wastes: Dimethoate, Methomyl, and Famphur	2050-AA64
2811	SAR No. 1861. Identification and Listing of Hazardous Wastes: Carbamate Manufacturing Wastes (Revision)	2050-AA65
2812	SAR No. 2043. Identification and Listing of Hazardous Wastes: Delisting Procedures (Revision)	2050-AA81
2813	SAR No. 2187. Amendments to the Final Codification Rule	2050-AB23
2814	SAR No. 2228. Identification and Listing of Hazardous Wastes: Laboratory Waste Listing	2050-AB26
2815	SAR No. 2231. Identification and Listing of Hazardous Wastes: EP Toxicity	2050-AB29
2816	SAR No. 1843. Standards for Owners/Operators of Hazardous Waste Facilities: Liquids and Landfills (Revision)	2050-AA34
2817	SAR No. 1806. Consolidated Permits: Duration of Permits for Hazardous Waste Facilities (Revision)	2050-AA38
2818	SAR No. 2159. Hazardous Waste Management System: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities: Conforming Changes	2050-AA98
2819	SAR No. 2202 Leaking Underground Storage Tanks: Performance Standards for tanks	2050-AB04

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Resource Conservation and Recovery Act (RCRA)—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2820	SAR No. 1810. Review of Groundwater Monitoring	2050-AA89
2821	FTS:8-382-7927. Review of Standards for Owners/Operators of Waste Facilities: Incinerators	2050-AA53

Clean Air Act (CAA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2822	SAR No. 1002. NAAQS for Sulfur Oxides (Revision)	2060-AA61
2823	SAR No. 1003. NAAQS for Particulate Matter (Revision)	2060-AA62
2824	SAR No. 1845. New Source Review (Revision)	2060-AA68
2825	SAR No. 2102. Ambient Air Quality Surveillance (Revision)	2060-AB47
2826	SAR No. 1503. Restructure CFR Parts 51, 52 (Revision)	2060-AB49
2827	SAR No. 1741. Quality Assurance Procedures, Appendix F, Procedure 1	2060-AA09
2828	SAR No. 1008. NSPS: Stationary Internal Combustion Engines	2060-AA11
2829	SAR No. 1010. NSPS: Solvent Degreasing	2060-AA12
2830	SAR No. 1119. NSPS: Perchloroethylene Dry Cleaning	2060-AA14
2831	SAR No. 1612. NSPS: Volatile Organic Liquids Storage	2060-AA23
2832	SAR No. 1615. NSPS: Rubber Products Industry-Tire Manufacturing	2060-AA24
2833	SAR No. 1618. NSPS: Synthetic Organic Chemical Industry: Air Oxidation Process	2060-AA30
2834	SAR No. 1695. NSPS: Solvent Degreasing(111d)	2060-AA33
2835	SAR No. 1733. NSPS: Distillation Operations	2060-AA35
2836	SAR No. 1736. NSPS: Petroleum Refinery, FCC Regenerators	2060-AA36
2837	SAR No. 1691. NSPS: Polymer and Resin Manufacture	2060-AA37
2838	SAR No. 1671. NSPS: Basic Oxygen Furnaces (Revision)	2060-AA72
2839	SAR No. 1959. NSPS: Kraft Pulp Mills (Revision)	2060-AA97
2840	SAR No. 2028. NSPS: Sewage Treatment Plants (Revision)	2060-AB05
2841	SAR No. 2044. NSPS: Automobile and Light-Duty Truck Coating Operations (Revision)	2060-AB22
2842	SAR No. 2110. NSPS: On-Shore Production for Sulfur Dioxide	2060-AB27
2843	SAR No. 2083. NSPS: Fossil Fuel-Fired Steam Generators (Revision)	2060-AB29
2844	SAR No. 2075. NSPS: Industrial Boilers, S02	2060-AB33
2845	SAR No. 2076 NSPS: Industrial Boilers--Particulate Matter and NOx	2060-AA22
2846	SAR No. 2186 NSPS: Cement Plants (Revision)	2060-AB38
2847	SAR No. 2070. NSPS: Reporting Requirements for Opacity	2060-AB42
2848	SAR No. 2164. NSPS: SOCMI Reactor Processes	2060-AB55
2849	SAR No. 2236. NSPS: Surface Coating of Plastic Parts for Business Machines	2060-AB66
2850	SAR No. 2237. NSPS: Polymeric Coating of Supporting Substrates	2060-AB67
2851	SAR No. 2238. NSPS: Residential Wood Combustion	2060-AB68
2852	SAR No.1696 NSPS: VOC Emissions from Petroleum Refinery Wastewater Systems	2060-AB81
2853	SAR No.1928 NSPS: Magnetic Tape Manufacturing	2060-AB88
2854	SAR No. 1869. Decision on Regulation of Cadmium	2060-AA38
2855	SAR No. 1684. NESHAPS: Arsenic from Smelters and Other Sources	2060-AA41
2856	SAR No. 1685. NESHAPS: Benzene in Coke Ovens/By-Products Plants	2060-AA42
2857	SAR No. 1686. NESHAPS: Coke Oven Emissions from By-Product Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal Charged Batteries (Revision)	2060-AA48
2858	SAR No. 1681. NESHAPS General Provisions (Revision)	2060-AA79
2859	SAR No. 1971. NESHAPS: Vinyl Chloride (Revision)	2060-AB06
2860	SAR No. 2137. NESHAPS: Mercury (Revision)	2060-AB44
2861	SAR No. 1714. NESHAPS: Asbestos (Revision)	2060-AB51
2862	SAR No. 2181. Decisions on Regulating Various Air Pollutants	2060-AB56
2863	SAR No. 2217 NESHAPS: Radionuclides: Uranium Mills	2060-AB57
2864	SAR No.2181 NESHAPS: Chromium	2060-AB83
2865	SAR No. 1893. Dispersion Techniques Implemented Before Enactment of the Clean Air Act Amendments of 1970	2060-AA49
2866	SAR No. 1941. "Guideline on Air Quality Models" (Revision)	2060-AB13
2867	SAR No. 2112. Emission Standards, Test Procedures and CAFE Equivalency Factors for Methanol-Fueled New Motor Vehicles	2060-AB28
2868	SAR No. 2287 Hydrocarbon Standards for Light-Duty Trucks (Revision)	2060-AB85
2869	SAR No. 1317. Importation of Motor Vehicles and Motor Vehicle Engines (Revision)	2060-AA54
2870	SAR No. 2143. Small-Volume Manufacturers Certification Procedure (Revision)	2060-AB54

EPA

Clean Air Act (CAA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2871	SAR No. 2233. Nonconformance Penalties for 1987 and Later Model Year Heavy-Duty Engines (HDEs), Heavy-Duty Vehicles (HDVs), and Light-Duty Trucks (LDTs) (Phase II)	2060-AB65
2872	SAR No. 2290. Removal of Lead from EPA Certification and Test Fuels	2060-AB87
2873	SAR No. 2136. Emission Performance Warranty Regulations (Revision)	2060-AB53
2874	SAR No. 2145 Voluntary Aftermarket Parts Certification Regulations (Revision)	2060-AB58
2875	SAR No. 1328. Fuels and Fuel Additives(Revision)	2060-AA59
2876	SAR No. 2215 Fuel and Fuel Additives: Preventative Action Program to Prevent Self-Serve Fuel Switching	2060-AB59
2877	SAR No. 2214. Fuel and Fuel Additives: Gasoline Lead Content (Revision)	2060-AB60
2878	SAR No. 2289. Fuel Economy Test Procedures; Adjustment to Test Results to Account for Test Procedure Changes (light-duty trucks)	2060-AB86

Clean Air Act (CAA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
2879	SAR No. 1919. NAAQS: Lead	2060-AA95
2880	SAR No. 1920. NAAQS: Ozone	2060-AA96
2881	SAR No. 2026. NSPS: Sulfuric Acid Manufacture	2060-AB02
2882	SAR No. 2264. NSPS: Primary Aluminum Reduction Plants	2060-AB36
2883	SAR No. 2265. NSPS: Secondary Lead Smelters	2060-AB39
2884	SAR No. 2266. NSPS: Asphalt Concrete Plants	2060-AB41
2885	SAR No. 2239. NSPS: Small Boilers	2060-AB69
2886	SAR No.2292 NSPS: Coal Preparation Plants	2060-AB84
2887	SAR No. 2029. NESHAPS: Beryllium	2060-AB07

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2888	SAR No. 1001. NAAQS for Carbon Monoxide (Revision)	2060-AA63
2889	SAR No. 1004. NAAQS for Nitrogen Dioxide (Revision)	2060-AA64
2890	SAR No. 2103. Stack Height Regulations (Revision)	2060-AB30
2891	SAR No. 1880. NSPS: Non-Metallic Minerals	2060-AB11
2892	SAR No. 1915. NSPS: Wool Fiberglass Insulation	2060-AB21
2893	SAR No. 2109. NSPS: On-Shore Production for Volatile Organic Compounds	2060-AB26
2894	SAR No. 1117. NSPS: Gas Turbines (Revision)	2060-AB43
2895	SAR No. 2101. NSPS: Fired Process Heaters	2060-AB45
2896	SAR No. 2199. NESHAPS: Radionuclides: Underground Uranium Mines	2060-AB62
2897	SAR No. 1571. Nonconformance Penalties for 1985 Model Year Heavy-Duty Engines (HDEs)(Phase I)	2060-AA56
2898	SAR No. 1632. Nonconformance Penalties for Light-Duty Trucks (Phase I)	2060-AA58
2899	SAR No. 2232. Nonconformance Penalties for 1985 Model Year Heavy-Duty Engines (HDEs) (Phase II)	2060-AB64
2900	SAR No. 2033. Fuel Economy Test Procedures; Proposed Procedures for Adjustment to Test Results to Account for Test Procedure Changes	2060-AB19
2901	SAR No. Review of Information Requirements in the New Source Performance Standards (NSPS) Program	2060-AB25
2902	SAR No. 2263. NSPS: Ammonium Sulfate Manufacture	2060-AB34
2903	SAR No. 1307. Visibility Protection for Federal Class I Areas	2060-AB82

Superfund (CERCLA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2904	SAR No. 2104. Adjustment of Reportable Quantities of Hazardous Substances Identified as Potential Carcinogens and Chronically Toxic Substances (Revision)	2050-AA80

EPA

Superfund (CERCLA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
2905	SAR No. 2291. Adjustments of Reportable Quantities of 105 Hazardous Substances	2050-AB48
2906	SAR No. 1642C. Notification of Continuous Release of Hazardous Substances	2050-AB46
2907	SAR No. 1642a. Designation of Additional Hazardous Substances and Reportable Quantity Adjustments	2050-AB50
2908	SAR No. 2065. Amendments to the National Oil and Hazardous Substances Pollution Contingency Plan	2050-AA75
2909	SAR No. 2077. National Priorities List (NPL) (Revision)	2050-AA79
2910	SAR No. 1642D. Natural Resource Claims Procedure	2050-AA48
2911	SAR No. 2160. Response Claims Procedures	2050-AA90

Superfund (CERCLA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2912	SAR No. 1642B. Notification of Release of Hazardous Substances and Determination of Reportable Quantities	2050-AA55

General—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2913	SAR No. 1791. Public Information and Confidentiality Regulations (Revision)	2020-AA03
2914	SAR No. 2049. Nondiscrimination on the Basis of Handicap for Programs Conducted by EPA	2020-AA05
2915	SAR No. 2218 Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistant from the EPA(Revision)	2020-AA07
2916	SAR No. 2286. FTS:8-382-5460 Public Information Regulations: Collection of Fees	2020-AA09
2917	SAR No. 1835. Amending NEPA Procedures Relating to Wastewater Construction Grants (Revision)	2090-AA04
2918	SAR No. 1605. Emissions Trading Policy (Revision)	2010-AA08
2919	SAR No. 1973. Section 404 State Program Regulations (Revision)	2030-AA00
2920	SAR No. 2196 Denial or Restriction of Disposal Sites (Revision)	2030-AA05
2921	SAR No. 1825. Regulations for the Federal Claims Collection Act	2020-AA01
2922	SAR No. 2195 Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06
2923	SAR No. 2216 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation of Suspension of Permits	2020-AA08

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2924	SAR No. 2014. List of Violating Facilities (Revision)	2060-AB17

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Current and Projected Rulemakings

2637. RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN FUMIGANTS

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 162.31

Abstract: FIFRA requires that pesticides be classified for either general use or restricted to trained, certified pesticide applicators, or people under their direct supervision. This rule would classify certain active ingredients in grain fumigants for restricted use based on an evaluation of the incremental risks and benefits of unrestricted use. Classification for restricted use permits the continued use of certain pesticides which, if used without restrictions may have unreasonable adverse effects on the

environment. Issuance of a final rule by EPA has been deferred pending completion of a comprehensive review of all grain fumigants used as substitutes to EDB(ethylene dibromide).

Timetable:

Action	Date	FR Cite
NPRM	10/12/83	48 FR 46397
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1828.

FTS: 8-557-7451.

Agency Contact: Linda Vlier, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767-C), Washington, DC 20460, **703 557-7451**

RIN: 2070–AA00

2638. COMPREHENSIVE REVISION OF PESTICIDE REGISTRATION AND CLASSIFICATION PROCEDURES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136(a) / FIFRA 3

CFR Citation: 40 CFR 162

Abstract: These regulations will revise procedures and requirements for the registration, reregistration and classification of pesticide products as restricted use. The revisions are intended to improve the clarity of the existing rule and to integrate into the procedures aspects of the registration process, such as the Registration Standards program, which were initiated since the original regulation was promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/79	44 FR 76311
NPRM	09/26/84	49 FR 37915
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1964.

FTS: 8-557-0592.

Analysis: RIA

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, **703 557-0592**

RIN: 2070–AA56

2639. SPECIAL REVIEW CRITERIA AND PROCEDURES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 162.11

Abstract: The Agency is revising its criteria for initiating special reviews of pesticides (previously known as the Rebuttable Presumption Against Registration (RPAR) Process). These revisions will make the special review process consistent with statutory changes and program experience. The Agency is also revising the procedures for special review of chemicals to make the process more efficient and to promote public discussion. The criteria are being revised at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 12188
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1932.

FTS: 8-557-7420.

Agency Contact: Joan Warshawski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767), Washington, DC 20460, **703 557-7420**

RIN: 2070–AA57

2640. PESTICIDE PRODUCTS; PACKAGE SIZE EXEMPTION FOR CHILD RESISTANT PACKAGING (REVISION)

Legal Authority: 7 USC 136d / FIFRA 3

CFR Citation: 40 CFR 162

Abstract: EPA is proposing to amend its regulations on the use of child resistant packaging for pesticide products to provide for exemptions for certain products based on the size of the package in which the product is distributed. This revision should reduce the cost of packaging for producers who market large-size containers to the pest control service segment of the user community.

Timetable:

Action	Date	FR Cite
NPRM	01/04/84	49 FR 423
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 1965.

FTS: 8-557-0592.

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, **703 557-0592**

RIN: 2070–AA93

2641. PESTICIDE REGISTRATION STANDARDS: DOCKETING AND PUBLIC PARTICIPATION PROCEDURES

Legal Authority: 7 USC 136/FIFRA 3

CFR Citation: 40 CFR 155

Abstract: This proposal would establish procedures for providing additional opportunities for public participation in the development of pesticide registration standards. The procedures would establish and provide for the maintenance of a docket for each registration standard, which would be indexed and made available to the public. The procedures would also provide for publication in the Federal Register of an annual schedule of registration standards under development, as well as announcements of the availability of the public docket and registration standards.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 12208
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2252.

FTS:8-557-0592.

Agency Contact: Jean M. Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767), Washington, DC 20460, **703 557-0592**

RIN: 2070–AB33

2642. POLICY STATEMENT REGARDING CERTAIN MICROBIAL PRODUCTS

Legal Authority: 7 USC 136/FIFRA 3; 7 USC 136/FIFRA 5

CFR Citation: 40 CFR 172; 40 CFR 162

Abstract: New microorganisms developed through advanced techniques of genetic engineering and used for FIFRA commercial purposes will be

subject to EPA requirements. OPTS is now developing a policy for handling genetically engineered pesticides, and strategies for conducting risk assessments of these organisms. A proposed policy was published in December 1984. Comments were due on April 1, 1985. The policy will be revised, as appropriate, and a final statement will be prepared. In addition, OPTS is participating in an inter-Agency Working Group on Biotechnology to ensure that the overall Federal approach is integrated and consistent.

Timetable:

Action	Date	FR Cite
Notice of Proposed Policy	12/31/84	49 FR 50880
Notice of Final Policy	01/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2123.

FTS:8-557-9307.

Agency Contact: **Fred Betz,** Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769c), Washington, DC 20460, **703 557-9307**

RIN: 2070-AB34

2643. ● LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES (REVISION)

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 156; 40 CFR 167

Abstract: This regulation will revise and expand the labeling requirements for pesticide products and devices. The revisions will provide for pesticide producers a comprehensive description of pesticide labeling requirements, and will result in better quality pesticide labeling for users.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37959
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 2289.

FTS: 8-557-0592.

Split away from RIN: AA56

Analysis: RIA

Agency Contact: **Jean Frane,** Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, **703 557-0592**

RIN: 2070-AB46

2644. TOLERANCE FEES FOR PESTICIDE CHEMICALS (REVISION)

Legal Authority: 21 USC 346(a) / FFDCA 408

CFR Citation: 40 CFR 180.33

Abstract: Section 408(o) of the Federal Food, Drug, and Cosmetic Act authorizes EPA to collect fees from registrants seeking approval of tolerance petitions. The tolerance fee structure originally was designed to cover the Agency's processing costs for reviewing tolerance petitions and for establishing tolerance levels for pesticides used on food products. The Agency has not modified its tolerance fee structure since 1972. This regulation will establish a new tolerance fee structure based upon the Agency's increased costs for processing tolerance petitions.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39698
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 1963.

FTS: 8-557-1127.

Analysis: RIA

Agency Contact: **Ken Wetzel,** Environmental Protection Agency, Pesticides and Toxic Substances, (TS-757c), Washington, DC 20460, **703 557-1127**

RIN: 2070-AA46

2645. ENFORCEMENT POLICY REGARDING FAILURES TO REPORT INFORMATION UNDER SECTION 6(A)(2) OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)(REVISION)

Legal Authority: 7 USC 136d / FIFRA 6

CFR Citation: Not applicable

Abstract: FIFRA section 6 (a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In addition to reiterating enforcement policy established in July 1979, this policy notice will expand upon the types of factual information which must be reported, and establish a uniform timeframe in which they must comply.

Timetable:

Action	Date	FR Cite
Policy Notice	09/20/85	50 FR 38115

Small Entity: No

Additional Information: SAR No. 2180.

FTS: 8-557-0592.

Agency Contact: **David Alexander,** Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, **703 557-0592**

RIN: 2070-AB12

2646. RESCISSION OF EFFICACY DATA WAIVER FOR VERTEBRATE CONTROL PRODUCTS (REVISION)

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 136

Abstract: This rule revises the conditional registration regulations to provide that applicants routinely submit efficacy data to support the registration of pesticide products intended for control of vertebrate pests that may transmit human disease.

Timetable:

Action	Date	FR Cite
NPRM	09/12/84	49 FR 35804
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2179.

FTS: 8-557-0592.

Agency Contact: **Jean Frane,** Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, **703 557-0592**

RIN: 2070-AB19

2647. REGISTRATION OF PESTICIDE PRODUCING ESTABLISHMENTS (REVISION)

Legal Authority: 7 USC 136 / FIFRA 7

CFR Citation: 40 CFR 167

Abstract: This regulation amends the existing regulations on registering establishments that produce pesticides. The regulation implements the

Congressional mandate to register establishments that produce active ingredients used in pesticides.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46100
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1747.

FTS: 8-382-7826.

Agency Contact: David Hannemann, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 382-7826

RIN: 2070-AA04

2648. RULE GOVERNING ISSUANCE OF EMERGENCY EXEMPTIONS FROM FIFRA (REVISION)

Legal Authority: 7 USC 136 / FIFRA 18

CFR Citation: 40 CFR 166

Abstract: The Agency intends to revise certain provisions of this rule. These revisions will reflect the results of the Agency's investigation of the consistency of decisions to grant emergency exemptions under FIFRA. These revisions will more clearly specify the conditions under which EPA will authorize emergency exemptions and permit the public an opportunity to comment on exemption requests for certain categories of pesticide chemicals, including new chemicals, chemicals suspected of posing risks, and chemicals previously cancelled or suspended by EPA. This rule is being developed as part of a pilot effort on negotiated rulemaking which would give interested parties outside the Agency greater involvement and commitment to the decision-making process.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13944
Final Action	01/00/86	

Small Entity: No

Additional Information: SAR No. 2017.

FTS: 8-557-0592.

Agency Contact: Franklin Gee, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767), Washington, DC 20460, 703 557-0592

RIN: 2070-AA41

2649. GUIDELINES ON DISPOSAL AND STORAGE OF PESTICIDES (REVISION)

Legal Authority: 7 USC 136q / FIFRA 19

CFR Citation: 40 CFR 165

Abstract: EPA's Office of Pesticide Programs is updating the Guidelines on Disposal and Storage of Pesticides to make them consistent with current regulations and technology. The Office of Pesticide Programs is also adding interpretive guidance on compliance with RCRA regulations on hazardous waste as they may apply to the disposal and storage of pesticides. These guidelines serve as guidance only and compliance is completely voluntary.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: SAR No. 2006.

FTS: 8-557-7347.

Agency Contact: Raymond R. Krueger, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, 703 557-7347

RIN: 2070-AA61

2650. WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 / FIFRA 25

CFR Citation: 40 CFR 170

Abstract: The worker protection standards for agricultural pesticides will be revised to reflect new and developing registration and reregistration of pesticides. The current standards need to be revised in order to update the provisions, clarify definitions and responsibilities, and improve implementation, compliance, and enforcement.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	06/00/86	

Small Entity: No

Additional Information: SAR No. 1640.

FTS: 8-557-7666.

Analysis: RIA

Agency Contact: Linda Billings, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-766C), Washington, DC 20460, 703 557-7666

RIN: 2070-AA49

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Completed Actions

COMPLETED RULEMAKINGS

2651. PESTICIDES APPLIED TO BODIES OF WATER (REVISION)

CFR Citation: 40 CFR 162; 40 CFR 180

Completed:

Reason	Date	FR Cite
Withdrawn	09/00/85	

Small Entity: No

Agency Contact: Cheryl D. Smith 703 557-0592

RIN: 2070-AB32

2652. USER CHARGES FOR PESTICIDE REGISTRATIONS

Significance: Regulatory Program

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn	09/00/85	

Small Entity: No

Agency Contact: Joseph F. Powers 703 557-1485

RIN: 2070-AA64

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA)

Current and Projected Rulemakings

2653. DECISIONS ON TEST RULES FOR THE INTERAGENCY TESTING COMMITTEE (ITC) PRIORITY LISTS 8TH AND 10TH THROUGH 16TH

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Abstract: The following table lists chemicals recommended for testing consideration by the Interagency Testing Committee on which EPA has either initiated rulemaking to require testing or provide reasons for not doing so.

Supplemental Timetable:

Alkyl Epoxides (ITC List 1)
ANPRM 01/04/84 (49 FR 449)
Notice 09/06/85 (50 FR 36476)

Anilines (ITC List 4)
ANPRM 01/03/84 (49 FR 108)
NPRM 06/00/86

Anthraquinone (ITC List 15)
NPRM 11/00/85
Final Action 11/00/86

Aryl Phosphates (ITC List 2)
ANPRM 12/29/83 (48 FR 57452)
NPRM 01/00/87

Benzyl Butyl Phthalate (ITC List 7)
Notice 10/30/81 (46 FR 53775)
Notice 01/05/82 (47 FR 335)
NPRM 09/06/85 (50 FR 36446)
Final Action 11/00/86

Biphenyl (ITC List 10)
NPRM 05/23/83 (48 FR 23080)
Final Action 09/12/85 (50 FR 37182)

Bisphenol (ITC List 14)
Final Action 05/17/85 (50 FR 20691)
NPRM 05/00/85

Carbofuran Intermediates (ITC List 11)
Notice 07/22/85 (50 FR 29761)

Chlorinated Benzenes (environmental) (ITC List 1)
ANPRM 01/13/84 (49 FR 1760)
Final Action 01/00/86

Chlorinated Benzenes (health) (ITC List 1)
Notice 12/28/84 (49 FR 50408)
Final Action 06/00/86

Chloromethane (ITC List 1)
NPRM 07/18/80 (45 FR 48524)
Final Action 05/07/85 (50 FR 19213)

Cresols (ITC List 1)
NPRM 07/11/83 (48 FR 31812)
Final Action 03/00/86

Cumene (ITC List 15)
NPRM 11/00/85
Final Action 11/00/86

Cyclohexanone (ITC List 4)
NPRM 01/03/84 (49 FR 136)
Final Action 00/00/00

Diethylene Glycol Butyl Ether/DGBA (ITC List 13)
ANPRM 11/19/84 (49 FR 45606)
NPRM 05/00/86

Diethylenetriamine (ITC List 8)
NPRM 04/29/82 (47 FR 18386)
Final Action 05/23/85 (50 FR 21398)

Diethylenetriamine (Onco)(ITC List 8)
NPRM 05/23/85 (50 FR 21413)
Final Action 09/00/86

Diisopropylbiphenyl (ITC List 14)
Notice 05/03/85 (50 FR 18920)

Ethylene bis (oxyethylene) diacetate (ITC List 13)
Notice 11/19/84 (49 FR 45651)

Ethyltoluene (ITC List 10)
NPRM 05/23/83 (48 FR 23088)
Final Action 05/17/85 (50 FR 20662)

Fluoroalkenes (ITC List 7)
ANPRM 10/30/81 (46 FR 53704)
NPRM 06/04/84 (49 FR 23112)
Final Action 11/00/85

Glycidols (ITC List 3)
ANPRM 12/30/84 (48 FR 57562)
NPRM 00/00/00

Hexafluoropropylene Oxide (ITC List 2)
NPRM 12/30/83 (48 FR 57686)
Final Action 00/00/00

Hydroquinone (ITC List 5)
NPRM 01/04/84 (49 FR 438)
Final Action 11/00/85

Isopropylbiphenyl (ITC List 14)
Notice 05/03/85 (50 FR 18920)

Mercaptobenzothiazole (ITC List 15)
NPRM 11/00/85
Final Action 11/00/86

Mesityl Oxide (ITC List 4)
NPRM 07/05/83 (48 FR 30699)
Final Action 11/00/85

Methylolurea (ITC List 12)
NPRM 05/21/84 (49 FR 21371)
Final Action 00/00/00

Methylcyclopentane (ITC List 16)
NPRM 05/00/86

Octamethyl Cyclotetrasilane (ITC List 15)
NPRM 11/00/85
Final Action 11/00/86

Oleylamine (ITC List 13)
NPRM 11/19/84 (49 FR 45610)
Final Action 06/00/86

Pentabromoethylbenzene (ITC List 15)
NPRM 11/00/85
Final Action 11/00/86

Phenylenediamines (Low Production)(ITC List 6)
Notice 01/30/85 (50 FR 4267)

Phenylenediamines and Toluenediamines (ITC List 6)
ANPRM 01/08/82 (47 FR 973)
NPRM 11/00/85

Propylene Oxide (ITC List 1)
NPRM 01/04/84 (49 FR 430)
Final Action 11/00/85

Pyridine (ITC List 2)
NPRM 12/29/82 (47 FR 58031)
Final Action 00/00/00

Quinone (ITC List 5)
NPRM 01/04/84 (49 FR 456)
Final Action 11/00/85

Sodium N-methyl-n-oleytaurine (ITC List 15)
Notice 11/00/85

Tetrabromobisphenol A (ITC List 16)
NPRM 05/00/86

Toluenediamiamines (ITC List 6)
ANPRM 01/08/83 (47 FR 973)
NPRM 05/00/86

Trichloroethane (Test Standards) (ITC List 2)
NPRM 08/07/85 (50 FR 31895)
Final Action 05/00/86

Trichloroethane(ITC List 2)
NPRM 06/05/81 (46 FR 30300)
Final Action 10/10/84 (49 FR 39810)

Triethylene Glycol Monomethyl,Monoethyl,Monobutyl Ethers (List16)
NPRM 05/00/86

Trimethylbenzene (ITC List 10)
NPRM 05/23/83 (48 FR 23088)
Final Action 05/17/85 (50 FR 20662)

1,2-Dibromo-4(1,2-dibromethyl) cyclohexane (ITC List 14)
NPRM 05/00/85

1,2-Dichloropropane (ITC List 3)
NPRM 01/06/84 (49 FR 899)
Final Action 09/00/86

1,2,4-Tri- and 1,2,4,5-Tetrachlorobenzenes (ITC List 1)
NPRM 07/18/80 (45 FR 48524)
NPRM 12/07/83 (48 FR 54836)
Final Action 06/00/86

1,2,4,5-Tetrachlorobenzene (environmental testing) (ITC List 1)
ANPRM 01/13/84 (49 FR 1760)
NPRM 06/00/86

1,2,4,7,7-Hexachloronorbornadiene (ITC List 13)
Notice 11/19/84 (49 FR 45654)

2-chloro-1,3-butadiene (ITC List 15)
Notice 08/26/85 (50 FR 34546)

2-Chlorotoluene (ITC List 8)
Notice 01/26/82 (47 FR 3596)
Notice 04/28/82 (47 FR 18172)
Notice 10/03/85 (50 FR 40445)

2-Ethylhexanoic acid (ITC List 14)
NPRM 05/17/85 (50 FR 20678)
Final Action 09/00/86

2, (2-Butoxyethoxy) ethylacetate (ITC List 13)
ANPRM 11/19/84 (49 FR 45606)
NPRM 00/00/00

2,4-Dichlorobenzotrifluoride (ITC List 14)
NPRM 00/00/00

4-Chlorobenzotrifluoride (ITC List 9)
Notice 11/08/82 (47 FR 58029)
Notice 07/18/83 (48 FR 32730)
Notice 10/18/85 (50 FR 42216)

Small Entity: No

Additional Information: SAR No. 1137.

FTS: 8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, **202 475-8130**

RIN: 2070-AB07

2654. DIOXINS/FURANS: TESTING RULE AND REQUIREMENTS FOR DATA SUBMISSION

Significance: Regulatory Program

Legal Authority: 15 USC 2603 /TSCA 4; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 799; 40 CFR 712

Abstract: EPA may propose to collect information on chemicals containing polyhalogenated dibenzo-p-dioxins (PHDD's) and polyhalogenated

dibenzofurans (PHDF's). Rules may be proposed under sections 4 and 8 requiring submission of existing data and an analysis of chemicals to determine levels of PHDD's and PHDF's.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2253.

FTS:8-382-3933.

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3933

RIN: 2070–AB21

2655. GENERAL EXEMPTION POLICY FOR TEST RULES (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Abstract: This amends the test rule development and exemptions procedural rule published October 10, 1984 (49 FR 39776) to allow for rulemaking to be conducted in a single phase (i.e., a proposed rule and a final rule covering both the effects for which testing is necessary and the testing methodology.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Final Action	01/00/87	

Small Entity: No

Additional Information: SAR No. 2245.

FTS:8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-777), Washington, DC 20460, 202 475-8130

RIN: 2070–AB30

2656. ● CHEMICAL CATEGORY EVALUATIONS

Significance: Regulatory Program

Legal Authority: 15 USC 2625(c) / TSCA 4; 15 USC 2625(c) / TSCA 5; 15 USC 2625(c) / TSCA 6; 15 USC 2625(c) / TSCA 8; 15 USC 2625(c) / TSCA 9

CFR Citation: 40 CFR 700

Abstract: EPA is currently evaluating the applicability of the categorical approach to regulating new and existing chemicals. Categorical approaches would permit EPA to put new and existing chemical categories of interest on a more equal footing. The actions considered for the categories include requirements for testing under Section 4 of TSCA, requirements to provide more information on the manufacture and use of the chemicals under Section 8, requirements to limit some aspect of the manufacture or use of a chemical under Section 5, and potential action under Section 6 or 9 to limit the manufacture or use of the chemicals. Consideration will also be given to voluntary approaches to the development of data and the control of category members.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2124.

FTS: 382-3849.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3849

RIN: 2070–AB17

2657. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under TSCA section 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published at different times throughout the period of October 1985 to October 1986 on at least the chemicals listed below: 4,4'Methylene bis (2- chloroaniline); Hexamethylphosphoramide; Urethane; Methyl Butyl Ketone; 11-Aminoundecanoic Acid; Hexachloronorbornadiene; Polybrominated Biphenyls and Tris/2,3-Dibromopropyl Phosphate. and p-tert-Butyl Benzoic Acid (PTBBA), p-tert-Butyl Benzaldehyde (PTBB), and p-tert-Butyl Toluene (PTBT).

Supplemental Timetable:

Hexachloronorbornadiene
NPRM 02/22/85 (50 FR 7351)
Final Action 11/00/85

Hexamethylphosphoramide (HMPA) and Urethane
NPRM 10/10/84 (49 FR 39703)
Final Action 11/00/85

Methyl Butyl Ketone
NPRM 01/00/86

Polybrominated Biphenyls
NPRM 11/00/85
Final Action 00/00/00

PTBBA, PTBB, PTBT
NPRM 11/00/85
Final Action 00/00/00

Tris/2,3-Dibromopropyl Phosphate
NPRM 11/00/85
Final Action 00/00/00

11-Aminoundecanoic Acid
NPRM 01/00/86

4,4-Methylene-bis (2-chloroaniline) (MBOCA)
NPRM 04/26/85 (50 FR 16519)
Final Action 12/00/85

Small Entity: Undetermined

Additional Information: SAR No. 1923.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070–AA58

2658. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals. Individual proposed and final rules will be published at different times throughout the period of October 1985 to October 1986.

Supplemental Timetable:

Acetamide, 2-chloro-N-(2-ethyl-6-Methylphenyl)(83-1274)
NPRM 00/00/00

Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)

NPRM 00/00/00

Benzoic Acid, 3,3'Methylenebis (6-Amino-, Di-2-Propenyl Ester)
NPRM 01/02/85 (50 FR 127)
Final Action 00/00/00

Certain Polyamino Chemical Substances
Final Action 00/00/00

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)
Final Action 00/00/00

Substituted Methylpyridine/Substituted 2-Phenoxypyridine
NPRM 02/06/84 (49 FR 4390)
Final Action 00/00/00

Small Entity: Undetermined

Additional Information: SAR No. 1976.

FTS: 8-382-3771.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, **202 382-3771**

RIN: 2070–AA59

2659. PREMANUFACTURE NOTIFICATION: STAYED PROVISIONS (REVISION)

Legal Authority: 15 USC 2604 / TSCA 5

CFR Citation: 40 CFR 720

Abstract: On September 13, 1983, EPA stayed the effective date of sections 720.3(y), 720.36, 720.50(c), and 720.78(b) of the final premanufacture notification (PMN) rule issued under section 5 of the Toxic Substances Control Act (TSCA). The stayed provisions concerned the section 5(h)(3) research and development exemption, data requirements on related chemicals, and the definition of "possession and control". All other provisions are effective as of October 26, 1983. This reproposal will revise the stayed provisions only.

Timetable:

Action	Date	FR Cite
NPRM	12/27/84	49 FR 5020
Final Action	01/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1134a.

FTS: 8-382-3849.

Agency Contact: Joseph A. DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3849**

RIN: 2070–AA94

2660. GENERAL REGULATIONS ON SIGNIFICANT NEW USE RULES (SNURS) (REVISION)

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Abstract: Subpart A of part 721 of 40 CFR contains general provisions for Significant New Use Rules (SNURs). The Agency has received comments requesting that the general provisions be modified to provide more flexibility in recordkeeping requirements; to revise its hazard communication provisions to make them more compatible with OSHA's Hazard Communication Standard; and to allow manufacturers and processors to seek Agency approval, outside the context of a PMN submission, for risk management measures which are equivalent to those described in a SNUR. Based on comments, EPA will revise the general provisions for SNURs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: SAR No. 2250.

FTS:8-382-3779.

Agency Contact: Ralph Wright, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3779**

RIN: 2070–AB26

2661. SIGNIFICANT NEW USE RULES TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Abstract: When the Agency determines that in the absence of adequate safety data, the uncontrolled manufacture, distribution, use or disposal of a PMN substance may present an unreasonable risk, it may issue a proposed order under section 5(e) to limit the aforementioned activities. However, section 5(e) orders apply only to the PMN submitter. Once the substance is placed on the TSCA chemical inventory, other persons are free to manufacture or process the substance without controls. Therefore EPA, by rule, designates manufacture or processing of the substances for use without the specified controls as a significant new use. These SNURs ensure that the original submitter is not at a competitive disadvantage and that no uncontrolled activities will occur without an opportunity for prior Agency review.

Supplemental Timetable:

Acrylate Category
NPRM 02/00/86

Alkyl Aryl Phosphine (83-1023)
NPRM 09/20/84 (49 FR 36880)
Final Action 00/00/00

Alkyl Glycoether Acrylic Acid Derivative (84-27)
NPRM 12/24/84 (49 FR 49868)
Final Action 00/00/00

Brominated Aryl Alkyl Ether, Ethylated Amino Phenol Amino ETC
NPRM 09/28/84 (49 FR 38303)
Final Action 00/00/00

Certain Acrylate and Methacrylate Chemicals (84-176, 180-184)
NPRM 03/27/85 (50 FR 12046)

Certain Acrylate and Methacrylate Chemicals (84-176,180-184)
Final Action 00/00/00

Dicarboxylic Acid Monoester (83-255)
NPRM 01/03/84 (49 FR 82)
Final Action 10/26/84 (49 FR 43061)

Disubstituted Diamino Anisole (83-822)
NPRM 12/07/84 (49 FR 47874)
Final Action 08/26/85 (50 FR 34463)

Generic names to be determined (84-341-344)
NPRM 00/00/00

Halogenated Pyridine Alkyl Pyridine (83-1162, 1163)
NPRM 00/00/00

Methylammonium n-Methyldithiocarbamate (84-1042)
NPRM 00/00/00

Methylphenol,bis-(substituted alkyl) (84-417)
NPRM 03/21/85 (50 FR 11391)

Methylphenol,bis-(substituted alkyl)(84-417)
Final Action 00/00/00

Polymer of hydroxyethyl Acrylate;
NPRM 00/00/00

Polymer of Hydroxy Ethyl Acrylate;Isophorone Diisocyanate;Melpol
NPRM 00/00/00

Polymer of Substituted Aryl Olefin (85-612)
NPRM 00/00/00

Polyol Polyacrylate (85-718)
NPRM 00/00/00

Substitued Tetrafluoro Alkanes and Alkanes (84-105/106/107)
Final Action 00/00/00

Substituted Aryl Olefin (84-660)
NPRM 00/00/00

Substituted Bromothiophene (83-769)
NPRM 09/28/84 (49 FR 38310)
Final Action 00/00/00

Substituted Methylpyridine (83-237)
NPRM 02/06/84 (49 FR 4390)
Final Action 00/00/00

Substituted Polyester Resin (85-395)
NPRM 00/00/00

Substituted Tetrafluoro Alkanes and Alkanes (84-105/106/107)

NPRM 03/21/85 (50 FR 11384)

2-Butenedioic Acid(z-),Mono'2-'(1-Oxo-2-propenyl)Oxy'Ethyl'-Ester
NPRM 00/00/00

2-Propenoic Acid-3-(Dimethylamino)-2,2-Dimethyl-Propyl Ester
NPRM 00/00/00

2-Propenoic Acid, 2-Methyl-3,3,5-Trimethyl-Cyclo Hexylester
NPRM 00/00/00

2-Propenoic Acid, 3,3,5-Trimethylcyclohexylester (85-547)
NPRM 00/00/00

2-Propenoic Acid,2-Methyl-
NPRM 00/00/00

8-Acetyl-3-Dodecyl-7,7,9,9-Tetramethyl 1,3-8-Triazaspiro (ETC)
NPRM 01/12/84 (49 FR 1753)
Final Action 00/00/00

Small Entity: Undetermined

Additional Information: SAR No. 2246.

FTS:8-382-3771.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3771**

RIN: 2070–AB27

2662. POLICY STATEMENT REGARDING CERTAIN MICROBIAL PRODUCTS

Legal Authority: 15 USC 2604/TSCA 5

CFR Citation: 40 CFR 721

Abstract: New microorganisms developed through advanced techniques of generic engineering and used for TSCA commercial purposes will be subject to EPA requirements. OPTS is now developing general policies concerning the scope of PMN requirements for genetically engineered organisms, and strategies for conducting risk assessments of these organisms. A proposed policy was published in December 1984. Comments were due on April 1, 1985. The policy will be revised, as appropriate, and final statement will be prepared. In addition, OPTS is participating in an inter-Agency Working Group on Biotechnology to ensure that the overall Federal approach is integrated and consistent.

Timetable:

Action	Date	FR Cite
Notice of Proposed Policy	12/31/84	49 FR 50880
Notice of Final Policy	01/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2123.

FTS:8:382-3826.

Agency Contact: Anne Hollander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3826**

RIN: 2070–AB31

2663. REGULATORY INVESTIGATION OF 2-ETHOXYETHANOL, 2-METHOXYETHANOL AND THEIR ACETATES (GLYCOL ETHERS)

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 764

Abstract: Recent date indicate that inhalation of glycol ethers can cause teratogenic effects and testicular damage. EPA is considering various alternative regulations that would prohibit the use of glycol ethers in consumer products and products used in certain occupations, including auto refinishing, printing, and maintenance painting. EPA may also refer risks to the Occupational Safety and Health Administration and/or the Consumer Product Safety Commission under TSCA Section 9.

Timetable:

Action	Date	FR Cite
ANPRM	01/24/84	49 FR 2921
NPRM	11/00/85	
Section 9 Report	11/00/85	

Small Entity: No

Additional Information: SAR No. 2032.

FTS: 8-382-3945.

Analysis: RIA; RFA

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, **202 382-3945**

RIN: 2070–AA71

2664. SECTION 9 REPORT ON 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 764

Abstract: 1,3-butadiene is a large scale, commercial chemical used primarily for manufacturing rubber and plastic products. It is a potent animal carcinogen and was the subject of a 180-day priority review by the Agency. An ANPR was issued in May 1984. EPA has determined that a significant route for human exposure is via inhalation of this chemical in the workplace. A Section 9(a) report to the Occupational Safety and Health Administration (OSHA) will be issued in October 1985.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/84	49 FR 20524
Section 9 Report	10/10/85	50 FR 41393

Small Entity: Undetermined

Additional Information: SAR No. 2114.

FTS: 8-382-3945.

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070–AB04

2665. REGULATORY INVESTIGATION OF METALWORKING FLUIDS

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608/TSCA 9

CFR Citation: 40 CFR 749

Abstract: The formulation of water-based metalworking fluids with nitrite in combination with alkanolamines may present an unreasonable risk to machinists due to the formulation of nitrosamines, particularly in n-nitrosodiethanolamine (NDELA). Recent studies indicate that NDELA is a potent animal carcinogen. EPA is considering various alternatives that would prohibit the intentional addition of inorganic nitrites to water- containing metalworking fluids that contain amines.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/84	49 FR 2767
NPRM	04/00/86	

Small Entity: Yes

Additional Information: SAR No. 2149.

FTS: 8-382-3945.

Analysis: RIA; RFA

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070-AB09

2666. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Abstract: As described in the Federal Register on May 23, 1984, the Agency is investigating regulatory options for the reduction of three categories of exposure to formaldehyde: 1) residents exposed to formaldehyde emissions from wood products used in the construction of mobile homes; 2) similarly exposed residents of conventional homes; 3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. This investigation is being conducted in consultation with HUD, OSHA and CPSC. This investigation may lead to the initiation of various control alternatives, including section 9 referral to other agencies and/or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
Section Report, or NPRM, or statement of no unreasonable risk	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2146.

FTS: 8-382-3945.

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070-AB14

2667. POLYCHLORINATED BIPHENYLS (PCBS): RENEWAL OF APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 556 / TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Abstract: Section 6(e)(3)(b) of TSCA provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing and distribution in commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
Notice	08/29/85	50 FR 35192
FINACT	00/00/00	

Small Entity: No

Additional Information: SAR No. 2150.

FTS: 8-382-3935.

Analysis: RIA

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3935**

RIN: 2070-AB20

2668. REGULATORY INVESTIGATION OF 4,4'-METHYLENEBIS (2-CHLOROANILINE)(MBOCA)

Legal Authority: 15 USC 2605/ TSCA 6; 15 USC 2608/ TSCA 9

CFR Citation: 40 CFR 764

Abstract: MBOCA is a curing agent used in the manufacturing of elastomers and surface coatings. It has been shown to cause cancer in laboratory animals. Risks are primarily to workers, many of whom work for small businesses. The Agency is investigating regulatory options for reducing risks from exposure to MBOCA. Several studies are underway to determine the efficacy of various control methods including packaging requirements before proceeding with regulatory action. EPA is exploring various control alternatives, including referral to other agencies under TSCA.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/83	48 FR 22954
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. FTS:8-382-3945

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070-AB22

2669. ASBESTOS ABATEMENT BUILDING OCCUPANT PROTECTION RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 764

Abstract: This rulemaking may set standards to ensure that building occupants and visitors are protected during asbestos abatement. The approaches being considered include (1) a rule requiring certain asbestos abatement practices based on material in EPA guidance documents; (2) a rule requiring that asbestos abatement contractors undergo certain training and be "certified" as competent to conduct asbestos abatement work; and (3) non regulatory approaches based on programs EPA has started or is expanding that would assist States in establishing programs that ensure persons performing asbestos abatement are "certified" as competent to perform such work.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Undetermined

Additional Information: SAR No.2243.

FTS:8-382-3849.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3849**

RIN: 2070-AB23

2670. ASBESTOS ABATEMENT WORKER PROTECTION RULE(REVISION)

Significance: Regulatory Program

Legal Authority: 15 USC 2605 /TSCA 6

CFR Citation: 40 CFR 763.120

Abstract: This rule would establish worker protection provisions for public employees who conduct asbestos abatement work and are not covered by an OSHA rule or a rule developed under an approved state plan. The rule was made immediately effective.

Timetable:

Action	Date	FR Cite
NPRM	07/12/85	50 FR 28530
Interim Final Rule	07/12/85	50 FR 28530
Final Action	06/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2249

FTS:8-382-3849

Analysis: RFA

Agency Contact: **Joseph DeSantis,** Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3849**

RIN: 2070-AB24

2671. POLYCHLORINATED BIPHENYLS (PCBS): MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS; EXCLUSIONS AND USE AUTHORIZATIONS (REVISION)

Legal Authority: 5 USC 556 /TSCA 6

CFR Citation: 40 CFR 761

Abstract: On July 10, 1984, EPA promulgated a rule for inadvertently generated PCBs and authorizing the limited use of PCBs in heat transfer and hydraulic systems (49 FR 28172). EPA will issue policy statements on, and propose amendments to, the July 10 Rule in response to two petitions for judicial review of the Rule. The policy statements will clarify current provisions of the Rule. The proposed amendments will be based on EPA evaluation of new information submitted by the petitioners and other interested parties.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Additional Information: SAR No.2244.

FTS:8-382-3935.

Agency Contact: **Suzanne Rudzinski,** Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3935**

RIN: 2070-AB25

2672. ACTION CONCERNING COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2607(a) / TSCA 8(a); 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 763

Abstract: Asbestos is a known human carcinogen. Persons are exposed to asbestos from releases to the environment during all phases of the lifecycle of asbestos products. Because of the serious risk presented to many people from exposure to asbestos during the lifecycle of asbestos products, EPA may propose a rule under Section 6 of TSCA to ban certain asbestos products for which substitutes are currently available and to phase out all or most asbestos mining and importation over 10 years. As an alternative, EPA is considering referring asbestos risks to the Department of Labor and the Consumer Product Safety Commission under Section 9 of TSCA. EPA is carefully analyzing the policy and legal aspects of a rule under TSCA versus a referral action.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
NPRM	11/00/85	

Small Entity: Yes

Additional Information: SAR No. 2296.

FTS: 382-3849.

Analysis: RIA, RFA

Agency Contact: **Joseph DeSantis,** Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3849**

RIN: 2070-AB29

2673. ● REGULATORY INVESTIGATION OF METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 754

Abstract: EPA, in consultation with other Federal Agencies, intends to develop a comprehensive and integrated strategy for a regulatory investigation of methylene chloride. This regulatory investigation will determine whether or not methylene chloride presents an unreasonable risk to human health or the environment and to determine if regulatory controls are needed to eliminate or reduce exposure to methylene chloride.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42037

Small Entity: Undetermined

Additional Information: SAR No. 2284.

FTS: 8-382-3945.

Agency Contact: **Richard Gross,** Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070-AB41

2674. ● ASBESTOS IN SCHOOLS INSPECTION RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 763

Abstract: EPA is considering a rule to require local education agencies to inspect schools periodically for friable asbestos and to report the presence of friable asbestos to parents of school children and school employees.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Yes

Additional Information: SAR No. 2295.

FTS: 382-3849.

Analysis: RFA

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3849**

RIN: 2070-AB44

2675. ● PCB SPILLS CLEANUP POLICY AND PCB RECORDKEEPING AMENDMENTS

Legal Authority: 15 USC 2605(e) (3) (B) / TSCA 6(e)

CFR Citation: 40 CFR 761

Abstract: Under EPA's regulations on the disposal of PCBs, spills, leaks and other uncontrolled discharges of PCBs constitute the illegal disposal of PCBs. Because such discharges of PCBs are considered to be violations of the PCB disposal regulations, EPA requires the cleanup of contamination resulting from such discharges. This regulatory action is directed toward establishing nationwide standards under TSCA for the cleanup of PCB spills. EPA will propose amendments to the PCB recordkeeping requirements to require owners of fluid containing PCBs to maintain records of cleanup. At the same time, EPA will publish for public comment, a TSCA enforcement policy for the clean up of PCB spills.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2297.

FTS: 382-3935.

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3935**

RIN: 2070-AB45

2676. SECTION 8(C) RECORDS AND REPORTS OF ALLEGATIONS OF SIGNIFICANT ADVERSE REACTIONS TO HEALTH AND THE ENVIRONMENT (REVISION)

Legal Authority: 15 USC 2607(c)/TSCA 8(c)

CFR Citation: 40 CFR 717

Abstract: This amendment will clarify issues relating to coverage of the section 8(c) regulation, Records and Reports of Allegations of Significant Adverse Reactions to Health or the Environment. The amendments address the exemption of coincidental manufactures and removes SIC codes as designators of processors subject to the rule.

Timetable:

Action	Date	FR Cite
NPRM	12/24/84	49 FR 49865
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1138a.

FTS: 8-382-3436.

Docket No. OPTS 83001D.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070-AA86

2677. CHEMICAL INFORMATION RULES; ADDITIONAL AUTOMATIC REPORTING (REVISION)

Legal Authority: 15 USC 2607 / TSCA 8(a)

CFR Citation: 40 CFR 712

Abstract: Current regulations provide that when the Interagency Testing Committee (ITC) recommends chemicals to EPA for priority consideration in the promulgation of test rules, the chemicals are automatically subject to the Section 8(a) Preliminary Assessment Information rule. This rule will amend the automatic reporting requirement to include for reporting those chemicals the ITC recommends for test rules, but are not designated for EPA's priority consideration within one year. Manufacturers and and importers of selected chemical substances must report general production, use, and exposure information with respect to the chemical substance.

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45598
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 1137d.

FTS: 8-382-3436.

Docket No. OPTS 820040.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070-AA98

2678. PARTIAL UPDATING OF CERTAIN TSCA INVENTORY DATA

Legal Authority: 15 USC 2607 / TSCA 8(a)

CFR Citation: 40 CFR 1

Abstract: This rule would update, under the authority of section 8(a) of TSCA, the production volume and plant site data for certain substances reported for the TSCA Chemical Substances Inventory. The information is needed by EPA to perform a number of activities associated with the implementation of TSCA. The current Inventory data base was compiled in 1979, based on 1977 data. The obsolescence of the Inventory data base and the lack of an alternative source that can fully satisfy EPA's requirements have formed the basis for the proposed action. EPA proposes that certain manufacturers/importers of certain substances report current production volume, plant site location, and site-limited status. After the initial reporting, follow-up reporting will be required on a regular basis.

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	50 FR 9944
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 2115.

FTS: 8-382-3938.

Agency Contact: Linda Travers, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-793), Washington, DC 20460, **202 382-3938**

RIN: 2070-AA99

2679. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULE

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Abstract: This rule adds chemicals to the list of chemicals and designated

mixtures subject to the requirements of the TSCA Section 8(a) Preliminary Assessment Information Rule - manufacturer reporting (40 CFR Part 712). Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. It will also support risk assessment and test rule decisions. Reporting rules may be issued on specific chemicals.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Supplemental Timetable:

Urea Formaldehyde
NPRM 11/05/84 (49 FR 44218)
Final Action 05/03/85 (50 FR 18861)

3,4, Dichlorobenzotrifluoride
NPRM 11/05/84 (49 FR 44218)
Final Action 03/25/85 (50 FR 11695)

Small Entity: No

Additional Information: SAR No. 2178.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20640, **202 382-3436**

RIN: 2070-AB08

2680. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULE

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Abstract: This rule adds chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(d) Health and Safety Data Reporting Rule. Manufacturers, importers, and processors are required to submit unpublished health and safety studies on these substances. The reports and data will be used to support risk assessment analyses and test rule decisions. Reporting Rules in the next year may be issued on at least the following chemicals.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	59 FR 44220

Supplemental Timetable:

p-tert-Butyl Benzoic Acid;p-tert-Butyl Benzaldehyde; p-tert-ETC
NPRM 11/00/85

Vinyl Acetate
NPRM 08/08/85 (50 FR 32095)
Final Action 00/00/00

23 Substances Contained in Hazardous Wastes
NPRM 10/07/85 (50 FR 40874)
Final Action 00/00/00

Small Entity: No

Additional Information: SAR No. 1139a.

FTS: 8-382-3436.

Docket No. OPTS 84012.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070-AB11

2681. TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Significance: Regulatory Program

Legal Authority: 15 USC 2607(a) / TSCA 8(a)

CFR Citation: 40 CFR 712

Abstract: This rule will contain a comprehensive list of questions for industry reporting which will provide necessary information to complete chemical assessments. Each time EPA needs information on a chemical, the Agency will amend the rule to add the chemical. Not all questions will be selected for each chemical added to the rule; only the most relevant questions will be selected for each chemical. The information obtained by this rule will be used by EPA and other Federal Agencies to support assessments of and rulemaking on chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2129.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070-AB13

2682. SECTION 8(D) HEALTH AND SAFETY REPORTING RULE (REVISION)

Legal Authority: 15 USC 2607(d) /TSCA 8(d)

CFR Citation: 40 CFR 716

Abstract: EPA is considering amending the Toxic Substances Control Act (TSCA) Section 8(d) Health and Safety Data Reporting Rule by: lengthening the rule's sunset provision, limiting certain reporting exemptions, and clarifying the rule's confidentiality provisions. EPA believes that these amendments will increase the number and usefulness of the health and safety data reports submitted to EPA, and will provide these reports during the same time period that EPA performs its chemical testing, hazard/risk assessment, and risk management determinations.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39715
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1139b.

FTS:8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, **202 382-3436**

RIN: 2070-AB35

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA)

Existing Regulations Under Review

2683. REVIEW OF TSCA SECTION 8(C) ADVERSE REACTIONS REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 717

Abstract: Under Section 8(c) of the Toxic Substances Control Act, manufacturers, processors, and distributors are responsible for recording allegations that their products caused significant adverse reactions to health or the environment EPA will conduct an evaluation to determine the number and kinds of allegation records that industry is keeping and whether the rule as currently written appears to be meeting its stated objective. The review will be conducted in two phases (pilot study and full-scale evaluation) and the recommendations, where appropriate, will be implemented through revisions to the 8(c) rule.

Timetable:

Action	Date	FR Cite
Begin Pilot Study	11/00/85	
End Pilot Study	06/00/86	

Small Entity: No

Additional Information: SAR No. REVIEW AUTHORITY: Paperwork Reduction Act.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070-AB03

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA)

Completed Actions

COMPLETED RULEMAKINGS

2684. PMN EXEMPTION FOR LOW VOLUME CHEMICALS

CFR Citation: 40 CFR 723

Completed:

Reason	Date	FR Cite
Final Action	04/26/85	50 FR 16466

Small Entity: No

Agency Contact: Joseph A. DeSantis 202 382-3844

RIN: 2070-AA36

2685. CHEMICAL CATEGORY EVALUATION

Significance: Regulatory Program

CFR Citation: 40 CFR 700

Current and Projected, see sequence number 2656

Small Entity: Undetermined

Agency Contact: Joseph DeSantis 202 382-3844

RIN: 2070-AB17

2686. GENERAL SIGNIFICANT NEW USE RULE (SNUR)

CFR Citation: 40 CFR 721

Completed:

Reason	Date	FR Cite
Withdrawn	09/00/85	

Small Entity: Undetermined

Agency Contact: John Bowser 202 382-3853

RIN: 2070-AB28

2687. PCB TRANSFORMER FIRES RULE (REVISION)

CFR Citation: 40 CFR 761.31

Completed:

Reason	Date	FR Cite
Final Action	07/17/85	50 FR 29170

Small Entity: No

Agency Contact: Suzanne Rudzinski 202 382-3935

RIN: 2070-AA70

Final Action	09/30/85	50 FR 39667
Interim Final Action	09/30/85	50 FR 39666

2688. HEALTH AND SAFETY DATA REPORTING; SUBMISSION OF TESTS AND COPIES OF HEALTH AND SAFETY DATA (REVISION)

CFR Citation: 40 CFR 716

Completed:

Reason	Date	FR Cite

Small Entity: No

Agency Contact: Frank Kover 202 382-3436

RIN: 2070-AA76

2689. SECTION 9 REPORT ON 4,4'-METHYLENEDIANILINE (4,4'-MDA)

Significance: Regulatory Program

CFR Citation: 40 CFR 764

Completed:

Reason	Date	FR Cite
Section 9 Report	07/05/85	50 FR 27674

Small Entity: No

Agency Contact: Richard Gross 202 382-3945

RIN: 2070-AB15

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Water Act (CWA)

Current and Projected Rulemakings

2690. STATE SLUDGE PROGRAM REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1256 /CWA 106; 33 USC 1285(g) /CWA 205(g); 33 USC 1288 /CWA 208; 33 USC 1313 /CWA 303; 42 USC 6942 /RCRA 4002

CFR Citation: 40 CFR 501

Abstract: This regulation provides information and general requirements applicable to sludge management,

requires States to submit a description of their sewage sludge management program to EPA, and contains the requirements States must follow to obtain approval of their program. This regulation also describes how different Federal laws and regulations apply to sewage sludge management activities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 2163.

This item was listed in the April 1, 1985 Regulatory Program of the United States Government as RIN 2040-AA86.

Agency Contact: Charles E. Gross, Environmental Protection Agency, Water, (WH-547), Washington, DC 20460, 202 382-2333

RIN: 2040-AA73

2691. SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS (REVISION)

Legal Authority: 33 USC 1361 / CWA 201

CFR Citation: 40 CFR 35, Appendix A

Abstract: A revised interim final regulation describing allowable and unallowable costs for construction grant projects was published February 17, 1984. This rule will not be published as a final rule until after Congress acts on reauthorization of the construction grants program.

Timetable:

Action	Date	FR Cite
Previous NPRM	11/06/81	46 FR 55220
NPRM	05/12/82	47 FR 20470
Interim Final Rule	05/12/82	47 FR 20450
Revised Interim Final Rule	02/17/84	49 FR 6224
Final Action	12/00/86	

Small Entity: No

Additional Information: SAR No. 1722.

Docket No. G-81-5.

FTS: 8-382-7278.

Agency Contact: Patricia Power, Environmental Protection Agency, Water, (WH-595), Washington, DC 20460, 202 382-7278

RIN: 2040-AA70

2692. COST CONTROL OF CONSTRUCTION GRANT INCREASES REGULATION (REVISION)

Legal Authority: 33 USC 1361 / CWA 201

CFR Citation: 40 CFR 35.2205

Abstract: This rule proposes to specify a maximum allowable project cost which will limit increases on grants for construction of publicly owned treatment works (POTWs). This limit is intended to provide additional incentive for communities to manage their grant funds as efficiently as possible. It will limit the allowable cost increase for grants awarded after the effective date of this rule.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6113
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 2267.

Docket No. G-82-06.

FTS: 8-382-5819.

Agency Contact: David P. Welch, Environmental Protection Agency, Water, (WH-547), Washington, DC 20460, 202 382-5819

RIN: 2040-AA71

2693. NPDES NEW SOURCE AND SHORT APPLICATION FORMS (REVISION)

Legal Authority: 33 USC 1311 / CWA 301

CFR Citation: 40 CFR 122

Abstract: This action will develop an NPDES application form for new manufacturing, commercial, mining, and silvicultural operations. Besides obtaining information necessary for setting effluent discharge limitations, it will also help permit writers to determine whether the facility is a new source. This action will also develop a short, two-page application form for use by non-process wastewater dischargers. These dischargers usually contain only materials such as sanitary wastes and non-contact cooling water.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38812
Final Action	01/00/86	

Small Entity: No

Additional Information: SAR No. 1725.

FTS:8-426-7010.

Agency Contact: Gail Goldberg, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 426-7010

RIN: 2040-AA00

2694. REQUIREMENTS FOR APPLICATION FOR 301(C) VARIANCES

Legal Authority: 33 USC 1311 / CWA 311

CFR Citation: 40 CFR 125

Abstract: Section 301(c) of the Clean Water Act provides for variances on economic grounds of the strict requirements of BAT controls for non-toxic, non-conventional pollutants. The Agency is considering providing a guidance document which would set out ground rules and national criteria for granting variances from BAT requirements.

Timetable:

Action	Date	FR Cite
Guidance Document	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1404.

FTS: 8-382-2724.

Agency Contact: Karen Shafer, Environmental Protection Agency, Water, (PM-220), Washington, DC 20460, 202 382-2724

RIN: 2040-AA01

2695. EFFLUENT GUIDELINES FOR ORGANIC CHEMICALS AND PLASTICS AND SYNTHETIC FIBERS

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1461 / CWA 501

CFR Citation: 40 CFR 414; 40 CFR 416

Abstract: The Agency has proposed BPT, BAT, NSPS and pretreatment standards for the organic chemicals portion of this industry (SIC 2865, 2869). Pollutants include aromatic chlorinated

hydrocarbons, phenolic compounds, and metals. EPA also proposed BCT, BAT, BPT, NSPS, and pretreatment standards for the plastics and synthetics portion of this industry (SIC 2821, 2823, 2824). Pollutants of concern include phenols, acrolein, ethylbenzene, vinyl chloride, and metals. A notice of availability and request for comments announced the availability of technical and economic data and related documentation received after proposal.

Timetable:

Action	Date	FR Cite
NPRM	03/21/83	48 FR 11828
Notice	07/17/85	50 FR 29068
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1415.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government.

Analysis: RIA

Agency Contact: E.H. Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7190**

RIN: 2040-AA05

2696. EFFLUENT GUIDELINES FOR OFFSHORE OIL AND GAS EXTRACTION INDUSTRY (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435

Abstract: EPA published a final rule for BPT in 1979; NSPS and BAT standards, which had been proposed in 1975, were deferred and have subsequently been withdrawn. The agency plans to repropose regulations for NSPS and BAT; propose BCT; and make certain amendments to BPT.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34592
Final Action	07/00/87	

Small Entity: No

Additional Information: SAR No. 1649.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government. Government.

Agency Contact: Dennis Ruddy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7131**

RIN: 2040-AA12

2697. EFFLUENT GUIDELINES FOR PHARMACEUTICALS (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Abstract: EPA has promulgated revised portions of the previous interim final BPT, BAT, NSPS, PSES, and PSNS effluent limitations and standards for the pharmaceutical manufacturing point source category. Additionally, the Agency is promulgating NSPS regulations to control the discharge of conventional pollutants for new source direct dischargers. The Agency further intends to promulgate limitations for the BCT control level. However, BCT limitations will not be established until the final BCT methodology POTW cost comparison test and industry cost effectiveness test is issued. The Agency has also postponed a final decision on the BAT and NSPS regulations that would control the discharge of the nonconventional COD pollutant.

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
Final Action BPT, BAT, PSES, PSNS	10/27/83	48 FR 49808
Notice (BCT)	03/09/84	49 FR 8967
Final Action NSPS	11/00/85	
Final Action (BCT)	03/00/86	

Small Entity: No

Additional Information: SAR No. 1427.

FTS:8-382-7182.

Agency Contact: Frank Hund, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7182**

RIN: 2040-AA13

2698. EFFLUENT GUIDELINES FOR PAINT FORMULATION

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 446

Abstract: On June 21, 1982, the Agency decided not to establish final BAT, NSPS, PSES and PSNS effluent limitations and standards for the caustic and/or water wash subcategory or final PSES for the solvent wash subcategory. The authority for this decision is provided for under the EPA-NRDC Settlement Agreement, Paragraph 8. In light of recent communications with State personnel who expressed concern about air pollution problems caused by solvent discharges from paint plants and interference with the operation of POTW's caused by paint wastewaters, the Agency will be gathering additional information on the wastewater pollutant discharges, including hazardous pollutants, from this industry. EPA will then reevaluate its June 27, 1982 decision.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 912
Notice	12/00/85	

Small Entity: No

Additional Information: SAR No. 1411.

FTS:8-382-7137.

Agency Contact: Robert Dellinger, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7137**

RIN: 2040-AA15

2699. EFFLUENT GUIDELINES FOR INK FORMULATION

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 447

Abstract: On June 21, 1982, the Agency decided not to establish final BAT, NSPS, PSES and PSNS effluent limitations and standards for caustic and/or water wash category, or final PSES for the solvent wash subcategory. The authority for this decision is provided for under the EPA/NRDC Settlement Agreement, Paragraph 8. In

light of recent concerns about solvent discharges to sewers contributing to air pollution problems and about the large volumes of hazardous pollutants being discharged to POTW's, EPA will be gathering additional information on the wastewater discharges from this industry. Based on this new data, EPA will then reevaluate its June 21, 1982 decision.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 928
Notice	12/00/85	

Small Entity: No

Additional Information: SAR No. 1411A.

FTS:8-382-7137.

Agency Contact: Robert Dellinger, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7137**

RIN: 2040–AA16

2700. EFFLUENT GUIDELINES FOR GUM AND WOOD

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 454

Abstract: The Agency intends to promulgate the proposed BPT standards for seven subcategories and NSPS standards for four subcategories. However, the Agency will be withdrawing the proposed BAT limitations and the proposed pretreatment standards. Authority for the BAT and pretreatment exclusions is provided under paragraph 8 of the NRDC-EPA settlement agreements. In addition to publishing the final BPT and NSPS standards, the Agency will publish a guidance document describing the basis for the exclusion of the BAT and pretreatment standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/80	44 FR 68710
Notice of Availability - Guidance Document	05/00/86	
Final Action (BPT and NSPS)	05/00/86	

Small Entity: No

Additional Information: SAR No. 1425.

FTS:8-382-7186.

Agency Contact: Richard Williams, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7186**

RIN: 2040–AA17

2701. EFFLUENT GUIDELINES FOR PESTICIDES

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 455

Abstract: EPA is developing final effluent limitations and standards for BAT, BPT, BCT, NSPS, and Pretreatment (PSES, PSNS) controls for manufacturers and formulator/packagers of pesticides and related products. Pollutants of concern include active ingredient pesticides, organic solvents, and metals. The Agency also proposes to establish test procedures for the analysis of 66 of the 137 nonconventional pesticide pollutants for which effluent guidelines were proposed in November of 1982 (47 FR 53994). These analytical procedures will be used in supporting the final effluent guidelines and will also be used for filing applications for NPDES permits, state certifications, and for compliance monitoring under the Clean Water Act.

Timetable:

Action	Date	FR Cite
NPRM	11/30/82	47 FR 53994
NPRM (Guidance)	02/10/83	48 FR 6250
Notice	06/13/84	49 FR 24492
Notice	08/01/84	49 FR 30752
Notice	01/24/85	50 FR 3366
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 1426.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government.

Agency Contact: George Jett, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7180**

RIN: 2040–AA18

2702. EFFLUENT GUIDELINES FOR METAL MOLDING AND CASTING (FOUNDRIES)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 464

Abstract: The Agency is promulgating BPT, BAT, NSPS, PSES, and PSNS for the aluminum casting, copper casting, iron and steel casting, magnesium casting, and zinc casting subcategories. The industry discharges approximately 1,200 lbs./day of toxic pollutants. Pollutants of concern include zinc, copper, lead, and phenolic compounds.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51512
Notice	03/20/84	49 FR 10280
Notice	02/15/85	50 FR 6572
Final Action	09/00/85	

Small Entity: Yes

Additional Information: SAR No. 1432.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government.

Analysis: RFA 06/00/85

Agency Contact: Donald Anderson, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7189**

RIN: 2040–AA20

2703. EFFLUENT GUIDELINES FOR NONFERROUS METALS (PHASE II)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 421

Abstract: The Agency will promulgate BPT, BAT, BCT, NSPS, PSES, and PSNS for the production and refining of metals from ore for several metals not covered by the Phase I nonferrous regulation. Such metals as beryllium, zirconium, hafnium, platinum, and titanium will be regulated. Principal pollutants considered are primarily toxic metals.

Timetable:

Action	Date	FR Cite
NPRM	06/27/84	49 FR 26352
Final Action	09/20/85	

Small Entity: No

Additional Information: SAR No. 1911.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government.

Agency Contact: Maria Irizarry, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040-AA27

2704. EFFLUENT GUIDELINES FOR ADHESIVES AND SEALANTS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 463

Abstract: The Agency has decided to exclude portions of the Adhesives and Sealants point source category from toxic pollutant regulation. Authority for this decision is provided under the EPA-NRDC Settlement Agreement, Paragraph 8. The Agency intends to publish a document that will provide a summary of technical findings for this industrial category.

Timetable:

Action	Date	FR Cite
Notice Summary of Technical Findings	06/00/86	

Small Entity: No

Additional Information: SAR No. 1910.

FTS:8-382-7190.

Agency Contact: Elwood Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7190**

RIN: 2040-AA30

2705. EFFLUENT GUIDELINES FOR RUBBER PROCESSING (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 415

Abstract: EPA will collect new wastewater data from rubber producing facilities for nine subcategories as part of a staged regulatory review now scheduled to run from FY 87 through FY 90. Some data obtained from the Organic Chemicals/Plastics and Synthetics Fibers project will be examined for technology transfer opportunities. Lead limits for three subcategories were studied and revisions to these limits will be made. Rubber reclaimers covered by subparts H and I have been re-examined for BCT, BAT, and NSPS regulations. National regulations will not be issued for two rubber reclaimed subcategories.

Timetable:

Action	Date	FR Cite
NPRM	12/18/79	44 FR 75016
Final Action	06/00/90	

Small Entity: No

Additional Information: SAR No. 1420.

FTS:8-382-7172.

Agency Contact: J. S. Vitalis, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7172**

RIN: 2040-AA42

2706. EFFLUENT GUIDELINES FOR PULP, PAPER, AND PAPERBOARD (PCB'S) (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 430

Abstract: EPA has promulgated effluent limitations and standards for BPT, BAT, NSPS, PSNS, and PSES levels of control for the Pulp and Paper point source category. BCT limitations will not be established until promulgation of the general methodology for determining appropriate levels of conventional-pollutant control under BCT. The Agency has proposed BAT and NSPS regulations that would limit the discharge of PCBs into waters of the United States from mills in this industrial category where fine and tissue papers are made from deink wastepaper. In response to a court remand of the final 1977 BPT regulation, EPA has also proposed a revised BPT limitation for the conventional-pollutant BOD in the acetate grade production subpart of the dissolving sulfite pulp subcategory. The Agency further intends to promulgate limitations for the BCT technology control level, the control of the pollutant PCB (polychlorinated biphenyls), and the BOD limitation for the acetate grade production in the dissolving sulfite pulp subcategory.

Timetable:

Action	Date	FR Cite
NPRM (BOD)	03/12/80	45 FR 15952
NPRM (BCT)	10/29/82	46 FR 49176
NPRM (PCB)	11/18/82	47 FR 52066
Notice (BOD)	04/00/85	
Final Action (BCT)	03/00/86	
Final Action (BOD)	05/00/86	
Final Action (PCB)	09/00/86	

Small Entity: No

Additional Information: SAR No. 1969.

FTS:8-382-7137.

Agency Contact: Robert Dellinger, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7137**

RIN: 2040-AA63

2707. EFFLUENT GUIDELINES FOR ORE MINING AND DRESSING (PLACER MINING)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 144.103; 40 CFR 144.104

Abstract: The Agency is developing BAT and NSPS for mines and mills that beneficiate gold ores by gravity separation methods. These methods include mining of placer deposits, dredge mining, and hydraulic mining operations. These limitations will apply to wastewater generated by these operations and are an addition to those subcategories for which final regulations were issued on December 3, 1982.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1413.

FTS 8-382-7164.

Agency Contact: **B. Matthew Jarett,** Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7164**

RIN: 2040–AA65

2708. EFFLUENT GUIDELINES FOR COAL MINING (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 434

Abstract: The Agency will promulgate amendments which limit the discharge of pollutants to U.S. waters from the coal mining industry. This action is a result of a Settlement Agreement executed on August 1, 1983 (National Coal Association, et al., v EPA).

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19240
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 1414.

FTS:8-382-7141.

Agency Contact: **Susan de Nagy,** Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7141**

RIN: 2040–AA66

2709. EFFLUENT GUIDELINES FOR PLASTICS MOLDING AND FORMING (PHTHALATES)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 463

Abstract: The Agency promulgated BPT, BAT, BCT, and NSPS limitations for the plastics molding and forming industry on December 17, 1984, with the exception of three phthalates in two subcategories. Limitations were reserved for the phthalates because the Agency does not have treatability data for the technology identified to control those pollutants (i.e., activated carbon absorption). The Agency plans to obtain those data through a treatability study and then to propose and promulgate limitations for phthalates, if appropriate. The phthalates in each subcategory are: 1) bis(2-ethylhexyl) phthalate, 2) di-n-butyl phthalate, and 3) dimethyl phthalate.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	06/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2213.

FTS: 8-382-7150

Agency Contact: **Robert M. Southworth,** Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7150**

RIN: 2040–AA77

2710. ● EFFLUENT GUIDELINES FOR LEATHER TANNING (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304;; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307;; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 425

Abstract: In response to a settlement agreement (December 11, 1984), the Agency will propose and promulgate amendments to existing regulations which limit the discharge of toxic pollutants to U.S. waters and publicly owned treatment works.

Timetable:

Action	Date	FR Cite
FR	11/23/82	47 FR 52848
NPRM	10/00/85	

Small Entity: No

Additional Information: SAR No. 1409.

FTS: 8-382-7189.

Agency Contact: **Donald F. Anderson,** Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7189**

RIN: 2040–AA91

2711. ● EFFLUENT GUIDELINES FOR ALUMINUM FORMING (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304;; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307;; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 467

Abstract: In response to a settlement agreement (4/1/85), the Agency will propose and promulgate amendments to regulations which limit the discharge of pollutants to U.S. waters and publicly owned treatment works.

Timetable:

Action	Date	FR Cite
FR	10/24/83	48 FR 49126
Notice	03/27/84	49 FR 11629
RPRM	12/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1438.

FTS: 8-382-7152.

Agency Contact: **Jan Goodwin,** Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7152**

RIN: 2040–AA92

2712. ● EFFLUENT GUIDELINES FOR COPPER FORMING (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304;; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307;; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 468

Abstract: In response to a settlement agreement (9/29/84), the Agency will propose and promulgate amendments to the applicability of the regulation issued on 8/15/83 (48 FR 26128).

Timetable:

Action	Date	FR Cite
FR	08/15/83	48 FR 36942
FR	09/15/83	48 FR 41409
RPRM	02/04/85	50 FR 4872
RPRM	06/27/85	50 FR 26128
FR	04/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1433.

FTS: 8-382-7152.

Agency Contact: **Jan Goodwin,** Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7152**

RIN: 2040–AA93

2713. ● EFFLUENT GUIDELINES FOR BATTERY MANUFACTURING

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 461

Abstract: In response to a settlement agreement (3/27/85), the Agency will propose and promulgate amendments to the pretreatment and new source standards for the lead subcategory to

regulations which limit the discharge of pollutants.

Timetable:

Action	Date	FR Cite
Notice	04/09/84	49 FR 13879
Notice	07/09/84	49 FR 27946
Notice	12/07/84	49 FR 47925
NPRM	11/00/85	
Final Action	11/00/85	48 FR 49126

Small Entity: No

Additional Information: SAR No. 1434.

FTS: 8-382-7153.

Agency Contact: Mary Belefski, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7153**

RIN: 2040-AA95

2714. BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY (BCT) COST TEST AND BCT EFFLUENT GUIDELINES(REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1314 / CWA 304

CFR Citation: 40 CFR 405; 40 CFR 406; 40 CFR 407; 40 CFR 408; 40 CFR 409; 40 CFR 411; 40 CFR 412; 40 CFR 418; 40 CFR 422; 40 CFR 424; 40 CFR 426; 40 CFR 432

Abstract: EPA is revising the cost reasonableness test for BCT effluent guidelines. EPA is making these revisions in response to a 1981 court decision. EPA proposed a revised BCT methodology and new BCT limitations on October 29, 1982 for 16 industries, including pulp and paper, inorganic chemicals, metal finishing, seafood processing, and meat products. EPA issued a notice of data availability on September 20, 1984, requesting comment on new information that is being considered for use in the final BCT methodology. Following analysis of the comments on this notice, EPA will publish a final BCT methodology and BCT effluent guidelines for certain industries identified in the CFR citations listed.

Timetable:

Action	Date	FR Cite
NPRM	10/29/82	47 FR 49176
Notice	09/20/84	49 FR 37046
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 1752.

FTS: 8-382-5385.

Agency Contact: Debra Maness, Environmental Protection Agency, Water, (WH-586), Washington, DC 20460, **202 382-5385**

RIN: 2040-AA45

2715. GENERAL PRETREATMENT REGULATIONS: DEFINITIONS FOR PASSTHROUGH AND INTERFERENCE (REVISION)

Legal Authority: 33 USC 1317 / CWA 307

CFR Citation: 40 CFR 403

Abstract: The Agency is preparing revisions to the Pretreatment Regulations which will redefine several terms and repromulgate other definitions of passthrough and interference. These revisions will address a remand by the Third Circuit Court of Appeals, and fulfills the request for review of the program by the President's Task Force Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	06/19/85	50 FR 25526
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 1900.

FTS: 8-426-4793.

Agency Contact: Craig Jakubowics, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 426-4793**

RIN: 2040-AA46

2716. HAZARDOUS SUBSTANCES POLLUTION PREVENTION FOR FACILITIES SUBJECT TO PERMITTING REQUIREMENTS OF SECTION 402

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 151

Abstract: This regulation's purpose is to prevent spills of hazardous substances into navigable waters. It sets forth requirements for the Spills Prevention Control and Countermeasure Plans for facilities which (a) are not related to transportation, (b) which store, manufacture or otherwise handle hazardous substances at their facilities, and (c) are subject to NPDES permits. The Agency will likely exempt any small facilities which store less than ten times the reportable quantities of spilled, hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	09/01/78	43 FR 39276
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1451.

FTS:8-382-2196.

Agency Contact: John Riley, Environmental Protection Agency, Water, (WH-548B), Washington, DC 20460, **202 382-2190**

RIN: 2040-AA34

2717. DISCHARGE OF OIL (REVISION)

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 110

Abstract: This regulation defines harmful quantities of oil for purposes of section 18(m)(3) of the Deep Water Port Act of 1974 and incorporates the 1977, 1978 and 1980 amendments to section 311 of the Clean Water Act (CWA). Generally, this action extends reporting requirements for oil spills beyond the continuous zone to ocean waters and provides for an exemption from section 311 for oil discharge covered under MARPOL and section 402 of the CWA.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9776
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 1579.

For information call the RCRA/Superfund Hotline (800-424-9346); in D.C. Metropolitan Area (382-3000).

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, **202 382-3000**

RIN: 2040-AA48

2718. NPDES REGULATIONS: STORMWATER APPLICATION REQUIREMENTS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402

CFR Citation: 40 CFR 122

Abstract: These revisions to the NPDES permit program application requirements for stormwater discharges

are in response to concerns about the difficulty of complying the April 26, 1985 deadline for application submittals. These changes will address the deadline for application submission and the information required within the application.

Timetable:

Action	Date	FR Cite
NPRM Deadline and Requirements	03/07/85	50 FR 9362
NPRM Reproposed Requirements	08/12/85	50 FR 32548
FR Deadline	08/00/85	
FR Requirements	04/00/86	

Small Entity: No

Additional Information: SAR No. 2200.

FTS: 8-426-7010.

Agency Contact: Martha Kirkpatrick, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 426-7010**

RIN: 2040–AA79

2719. ● FUTURE EFFLUENT GUIDELINES -- STANDARDS INITIATIVES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402

CFR Citation: 40 CFR 122

Abstract: EPA intends to evaluate categories of industrial dischargers of hazardous or toxic pollutants; identify subcategories based upon production processes, pollutants, and applicable technologies; and determine the extent of the environmental problem and the practicality and efficiency of issuing effluent guidelines. Potential industrial categories for analysis would be selected based on requests from the EPA regional offices, States, and municipalities and from results of internal studies. Regulations for these industries would be based on complex engineering and economic studies to determine wastewater characteristics and treatment capabilities of each industrial category and subcategory.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2304.

FTS: 8-382-7120.

Agency Contact: Jeffrey Denit, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7120**

RIN: 2040–AA90

2720. GENERAL PRETREATMENT REGULATIONS: RESPONSE TO PIRT (REVISION)

Legal Authority: 33 USC 1317 /CWA 307

CFR Citation: 40 CFR 403

Abstract: Revisions to the General Pretreatment Regulations will be proposed to address final recommendations of the Pretreatment Implementation Review Task Force (PIRT) and the need for other adjustments to the regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	05/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2212.

FTS: 8-426-4793.

Agency Contact: Hans Bjornson, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 426-4793**

RIN: 2040–AA81

2721. TECHNICAL SLUDGE REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Abstract: The Agency plans to provide technical criteria and management practices by issuing technical sludge regulations under Section 405 of the Clean Water Act. These regulations will address: Distribution and Marketing, Land Application to Food and Non-food Chain crops, Ocean Disposal, Incineration and Landfilling.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	07/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2162.

FTS: 8-755-0100.

Agency Contact: Patrick Tobin, Environmental Protection Agency, Water, WH-585, Washington, DC 20460, **202 755-0100**

RIN: 2040–AA74

2722. OCEAN INCINERATION REGULATIONS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1410 / MPRSA

CFR Citation: 40 CFR 234

Abstract: The Agency plans to provide specific permitting regulations for the ocean incineration of liquid hazardous and nonhazardous wastes. These regulations will be an independent part of the Ocean Dumping Regulations. The existing Ocean Dumping Regulations provide no specific criteria or standards for the review of ocean incineration permit applications.

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	50 FR 8222
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 2140.

FTS: 8-755-0100.

Agency Contact: Patrick Tobin, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, **202 755-0100**

RIN: 2040–AA72

2723. COMPREHENSIVE REVISIONS TO OCEAN DUMPING REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq. /MPRSA

CFR Citation: 40 CFR 220 to 229

Abstract: These amendments are necessary to clarify the existing regulations, incorporate program experience gained over the past several years, and respond to the in response to the City of New York decision (546 F. 2d 1084), and address the results of the NWF v. Costle decision (629 F, 2d 118) which involved dredged material issues. Regulations will involve multi-media issues, such as how to compare impacts on small entities (i.e., small business and small governmental jurisdictions) seem unlikely, the potential for such impact will be further considered as regulations are developed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2189

FTS: 8-755-4911

Agency Contact: Ronald DeCesare, Environmental Protection Agency, Water, (WH-556), Washington, DC 20460, **202 755-4911**

RIN: 2040–AA78

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Water Act (CWA)

Completed Actions

COMPLETED RULEMAKINGS

2724. WAIVERS FROM BAT FOR NONCONVENTIONAL POLLUTANTS UNDER 301(G) (REVISION)

CFR Citation: 40 CFR 125 F

Completed:

Reason	Date	FR Cite
Withdrawn Postponed Indefinitely	08/00/85	

Small Entity: No

Agency Contact: Robert Cantilli 202 426-7010

RIN: 2040–AA02

2725. EFFLUENT GUIDELINES FOR NONFERROUS METALS FORMING

Significance: Regulatory Program

CFR Citation: 40 CFR 471

Completed:

Reason	Date	FR Cite
Final Action Included under RIN 2040-AA89 in the Regulatory Program of the US	08/23/85	50 FR 34242

Small Entity: No

Agency Contact: Janet Goodwin 202 382-7152

RIN: 2040–AA32

2726. SECONDARY TREATMENT REGULATIONS: PERCENT REMOVAL REQUIREMENTS (REVISION)

CFR Citation: 40 CFR 133

Completed:

Reason	Date	FR Cite
Final Action	06/03/85	50 FR 23382

Small Entity: No

Agency Contact: James F. Wheeler 202 382-7369

RIN: 2040–AA80

2727. REMOVAL OF OIL AND HAZARDOUS SUBSTANCE DISCHARGES

CFR Citation: 40 CFR 111

Completed:

Reason	Date	FR Cite
These requirements will be covered by other CERCLA actions.	00/00/00	00 FR 00

Small Entity: Undetermined

Agency Contact: L. M. Flaherty 202 382-2190

RIN: 2040–AA33

2728. NPDES PERMIT REGULATIONS FOR NONCOMPLIANCE AND PROGRAM REPORTING (REVISION)

CFR Citation: 40 CFR 123.45

Completed:

Reason	Date	FR Cite
Final Action	08/26/85	50 FR 34648

Small Entity: No

Agency Contact: Edward S. Bender 202 475-8331

RIN: 2040–AA67

2729. OCEAN DUMPING CRITERIA (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 220 to 229

Completed:

Reason	Date	FR Cite
Withdrawn	08/00/85	

Small Entity: Undetermined

Agency Contact: Jack Lishman 202 755-9231

RIN: 2040–AA52

COMPLETED REVIEWS

2730. REVIEW OF GENERAL PRETREATMENT PROGRAM INFORMATION COLLECTION REQUIREMENTS

CFR Citation: 40 CFR 403

Completed:

Reason	Date	FR Cite
End Review	05/00/85	

Small Entity: Yes

Agency Contact: Eric Strassler 202 382-2709

RIN: 2040–AA68

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Atomic Energy Act (AEA)

Current and Projected Rulemakings

2731. GUIDANCE FOR OCCUPATIONAL RADIATION EXPOSURE (REVISION)

Legal Authority: 42 USC 2021(h) /AEA 274(h)/Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Abstract: This guidance would update existing (1960) radiation occupational exposure limits for all workers except exposure of uranium miners to radon. It would lower allowable exposure per year and incorporate selected current recommendations of national and international radiation protection advisory bodies.

Timetable:

Action	Date	FR Cite
ANPRM	09/17/79	44 FR 53785
NPRM	01/23/81	46 FR 7836
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 1161.

Docket No. A-79-46.

FTS:8-557-8927.

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (ANR 460), Washington, DC 20460, **703 557-8927**

RIN: 2060–AA00

2732. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Abstract: This guidance to Federal Agencies will establish dose rate limits for people exposed to transuranium elements in the general environment. Guidance is undergoing interagency review.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	06/00/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1162.

FTS:8-557-0740.

Agency Contact: Gordon Burley, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **703 557-9710**

RIN: 2060–AA01

2733. RADIOFREQUENCY RADIATION GUIDANCE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Abstract: This guidance will serve to limit exposure of the general public to radiofrequency radiation, which may pose a potential health risk.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/82	47 FR 57338
NPRM	10/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1525.

FTS: 8-557-7380.

Background Information Reports: a) Biological Effects of Radiofrequency Radiation, b) the Radiofrequency Radiation Environment, c) Analysis of the Radiofrequency Fields Produced by Broadcast Antennas, and d) Analysis of Economic Impact of Federal Radiation Protection Guidance (to Limit Exposure of the Public to Radiofrequency Radiation).

Agency Contact: Norbert Hankin, Environmental Protection Agency, Air and Radiation, (ANR-461), Washington, DC 20460, **703 557-7380**

RIN: 2060–AA02

2734. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: 40 CFR 193

Abstract: The Agency intends to set generally applicable standards for the disposal of low-level radioactive wastes, possibly to include some natural and accelerator produced radioactive wastes. The Agency is considering a criteria for declaring certain wastes as below regulatory concern as part of this activity.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	04/00/86	
Final Action	03/00/87	

Small Entity: No

Additional Information: SAR No. 1727.

FTS:8-557-8610.

Agency Contact: G. Lewis Meyer, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **703 557-8610**

RIN: 2060–AA04

2735. RESIDUAL RADIOACTIVITY

Significance: Regulatory Program

Legal Authority: 42 USC 2201 / AEA 274; 42 USC 2021 / AEA 274

CFR Citation: 40 CFR 194

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/85	
NPRM	07/00/88	
Final Action	12/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2073.

FTS: 8-557-8927.

Analysis: RIA

Agency Contact: Stanley Lichtman, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, **703 557-8927**

RIN: 2060–AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Atomic Energy Act (AEA)

Completed Actions

COMPLETED RULEMAKINGS

2736. ENVIRONMENTAL PROTECTION STANDARDS FOR HIGH-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

CFR Citation: 40 CFR 191

Completed:

Reason	Date	FR Cite
Final Action	09/19/85	50 FR 38066

Small Entity: No

Agency Contact: Dan Egan 703 557-8610

RIN: 2060–AA03

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Safe Drinking Water Act (SDWA)

Current and Projected Rulemakings

2737. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MAXIMUM CONTAMINANT LEVELS FOR VOLATILE ORGANIC CHEMICALS FOUND IN DRINKING WATER

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Abstract: EPA has proposed Recommended Maximum Contaminant Levels (RMCLs) and Primary Drinking Water Regulations to certain volatile synthetic organic compounds (VOCs). These VOCs have been most commonly found in drinking water drawn from groundwater sources. These chemicals include such compounds as trichloroethylene, tetrachloroethylene, and vinyl chloride. Aeration and granular activated carbon (GAC) systems are treatment technologies that can reduce these contaminants to a low level. Preliminary estimates show that average residential monthly bills for affected systems could rise from $1 - $14 depending on the size of the drinking water system and the type of technology selected. The Agency will promulgate RMCLs (i.e. nonenforceable health goals) before it promulgates the Maximum Contaminant Levels (MCLs) (i.e., enforceable standard). Monitoring and reporting requirements for these VOCs as well as other unregulated VOCs will be proposed.

Timetable:

Action	Date	FR Cite
Previous ANPRM	07/14/76	41 FR 23991
ANPRM	03/04/82	47 FR 9350
NPRM	06/12/84	49 FR 24330
NPRM RMCLs	06/12/84	49 FR 24330
NPRM MCLs	10/00/85	
Final Action RMCLs	10/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 1567.

FTS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040–AA53

2738. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS AND MICROBIOLOGICAL CONTAMINANTS AND TURBIDITY (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Abstract: The monitoring requirements and MCLs in the National Interim Primary Drinking Water Regulations will be comprehensively reviewed for inorganic and organic compounds, microbiological contaminants and turbidity and radionuclides. EPA will conduct an assessment of exposure, analytical methods, potential health effects, and the performance and costs of treatment technologies. The Agency will promulgate Recommended Maximum Contaminant Levels (RMCLs) as non-enforceable health goals, before it promulgates the maximum contaminant levels (MCLs) as enforceable standards.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM RMCLs	10/00/85	
NPRM MCLs	10/00/86	
Final Action RMCLs	10/00/86	

Small Entity: Yes

Additional Information: SAR No. 1755.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040–AA55

2739. NATIONAL PRIMARY DRINKING WATER REGULATIONS: FLUORIDE (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Abstract: The Agency will assess the maximum contaminant level (MCL) for fluoride in the National Interim Primary Drinking Water Regulations to determine if it reflects potential health effects and the performance and cost of available treatment technologies. Based on statutory requirements and recent technical information, the Agency is considering numerous options.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/81	46 FR 58345
ANPRM	10/05/83	48 FR 45502
NPRM (RMCLs)	05/14/85	50 FR 20164
NPRM (MCLS)	11/00/85	
Final Action (MCLs)	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1756.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040–AA56

2740. ● NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Abstract: EPA will propose Recommended Maximum Contaminent Levels (RMCSs) and Primary Drinking Water Regulations for radionuclides in drinking water. These radionuclides include radium, uranium, radon, gross alpha, and gross beta and photon emitters. RMCLs will first be proposed and will be followed by the proposal of Maximum Contaminant Levels (MCLs) and monitoring requirments at the same time the RMCLs are promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM RMCLs	12/00/85	
NPRM MCLs	12/00/86	
Final Action RMCLs	12/00/86	
Final Action MCLs	09/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2281.

FRS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-559), Washington, DC 20460, **202 382-7575**

RIN: 2040-AA94

2741. UNDERGROUND INJECTION CONTROL PROGRAM: INDIAN LANDS

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 147

Abstract: EPA is required to prescribed an Underground Injection Control (UIC) program in States that do not have an approved UIC program. In addition, all Indian lands not under the jurisdiction of an approved State program must be covered by a Federal program. The program is to take into consideration the unique conditions and the tribal concerns for each nation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 2131

FTS: 8-382-5530

Agency Contact: John B. Atcheson, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-5530**

RIN: 2040-AA76

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Safe Drinking Water Act (SDWA) Completed Actions

COMPLETED RULEMAKINGS

2742. UNDERGROUND INJECTION CONTROL PROGRAM: FEDERALLY ADMINISTERED PROGRAMS (PHASE II)

CFR Citation: 40 CFR 147

Completed:

Reason	Date	FR Cite
Final Action	11/15/84	49 FR 45293

Small Entity: No

Agency Contact: John B. Atcheson 202 382-5530

RIN: 2040-AA69

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Noise Control Act (NCA) Current and Projected Rulemakings

2743. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905 / NCA 6(a)(1)

CFR Citation: 40 CFR 51

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 2046.

FTS: 8-382-7403

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: Kenneth Feith, Environmental Protection Agency, Air and Radiation, Washington, DC 20460, **202 382-7403**

RIN: 2060-AB24

2744. MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE: NOISE EMISSION STANDARDS (REVISION)

Legal Authority: 42 USC 4917 / NCA 18

CFR Citation: 40 CFR 202

Abstract: This action proposes to amend the noise emission regulations for motor carriers engaged in interstate commerce. The amendment aligns the noise emission standards of this regulation with those of the regulation for newly manufactured medium and

heavy trucks. The proposed revised standards apply only to trucks manufactured on or after January 1, 1978 (post-1977), that have a Gross Vehicle Weight Rating (GVWR) or a Gross Combination Weight Rating (GCWR) greater than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	06/19/85	50 FR 25516
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 2045.

FTS: 8-382-7403.

Agency Contact: Kenneth Feith, Environmental Protection Agency, Air and Radiation, Washington, DC 20460, **202 382-7403**

RIN: 2060-AB20

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Current and Projected Rulemakings

2745. CONTAINERIZED LIQUIDS IN LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264.314; 40 CFR 265.314

Abstract: The Agency will propose regulations consistent with the Hazardous and Solid Waste Act of l984. The regulation will 1) minimize the placement of containers in landfills, 2) minimize the placement of free liquids in containers, and 3) prohibit the use of absorbents that biodegrade and release liquids when compressed.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	10/00/86	

Small Entity: No

Additional Information: SAR No. 2207.

FTS:8-382-4682

Agency Contact: Paul Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC20460, **202 382-4682**

RIN: 2050-AB12

2746. PROHIBITION OF UNDERGROUND INJECTION OF WASTES

CFR Citation: 40 CFR Not yet determined

Abstract: The Hazardous Waste Disposal Amendments of 1984 Sections 201 F&G require the Administrator to investigate the disposal of Hazardous Waste through underground injection wells, and to determine whether such practices are protective of human health and the environment.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/85	
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2211.

FTS: 8-382-5530.

Agency Contact: Joyce Kelly, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-550), Washington, DC 20460, **202 382-5522**

RIN: 2050-AB34

2747. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: ACUTE HAZARDOUS WASTE MIXTURE RULE (REVISION)

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912 / RCRA 2002; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.33

Abstract: 40 CFR 261.33(e) currently includes disposal of commercial chemical products consisting of a single active ingredient. In addition, under the current regulations, all concentrations of the product are regulated. This action expands the definition to cover mixtures of acutely hazardous materials as well as establish deminimus concentration limits.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 2111.

FTS-8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA85

2748. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LISTING OF COMMERCIAL CHEMICAL PRODUCTS (REVISION)

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912 / RCRA 2002; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.33

Abstract: This regulation will add Chemical Abstracts Service (CAS) numbers to all compounds listed in 40 CFR Part 26l.33 and Appendix VIII as an aid for identification. This rule also corrects a number of errors that have been noted in these lists. The Agency will not publish a proposed rule for this action only a final rule.

Timetable:

Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2105.

FTS: 8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA87

2749. PROPOSED REINTERPRETATION OF MINING WASTE EXCLUSION (SMELTING/REFINING)

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42

USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Abstract: This action will add the following sentence to 40 CFR Part 261.4 (b)(7): For purposes of this subsection, solid waste from the processing of ores and minerals only includes muds from facilities refining bauxite, phosphogypsum from phosphoric acid plants and slag from primary metal smelters and phosphorous reduction facilities. Wastes removed from the exclusion will be subject to Subtitle C regulation if they are hazardous. This action also relists certain smelter wastes.

Timetable:

Action	Date	FR Cite
NPRM	10/02/85	50 FR 40292
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2168.

FTS: 8-382-2791.

Agency Contact: Dr. Dexter Hinckley, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565A, **202 382-2791**

RIN: 2050-AB56

2750. RETROFITTING INTERIM STATUS SURFACE IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 265.220; 40 CFR 265.230

Abstract: The Agency will provide guidance on retrofitting provisions and the exemptions. Guidance is for applicants to use to understand the necessary information that must be included in a permit application.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2204.

FTS 8-382-4682

Agency Contact: Paul Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, Environmental Protection Agency, 401 M street, Washington, D.C. 20460, **202 382-4682**

RIN: 2050-AB03

2751. CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES

Significance: Regulatory Program

Legal Authority: 42 USC 6907a / RCRA 1008a; 42 USC 6944 / RCRA 4004; 42 USC 6949 / RCRA 4010

CFR Citation: 40 CFR 257

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA, by November 8, 1987, to submit a report to Congress on the adequacy of the RCRA 1008(a) and 4004 Criteria in protecting human health and the environment from ground-water contamination, and on the need for additional authorities to enforce the Criteria. EPA must revise the criteria by March 31, 1988, for facilities that may receive hazardous household waste or small quantity generator waste. The revisions will include ground-water monitoring, location restrictions, and corrective action, as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2224

FTS-382-4489

Agency Contact: Michael Flynn, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC, **202 382-4489**

RIN: 2050-AB21

2752. AIR EMISSION REGULATIONS FOR HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Significance: Regulatory Program

Legal Authority: RCRA as Amended by HSWA section 201(N)

CFR Citation: 40 CFR 264

Abstract: Regulations are under development for monitoring and control of air emissions at hazardous waste treatment, storage, and disposal facilities, including open tanks, surface impoundments, and landfills, as may be necessary to protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2240.

FTS 629-5671

Agency Contact: James Durham, Environmental Protection Agency, Solid Waste and Emergency Response, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5671**

RIN: 2050-AB33

2753. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(a) / RCRA 2002(a); 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 270, 271 and 124. A listing decision is an internal determination which is based on extensive waste characterization studies and toxicological evaluations. As a result of this determination, a regulatory package is prepared which then goes through Agency regulatory review procedures. The Agency can decide either to list or not to list and will justify this decision in the rulemaking package.

Supplemental Timetable:

Carbamate (SAR 1861)
NPRM 12/20/84 (49 FR 49562)
Final Rule 04/00/86

Carbon Disulfide Production (SAR 2172)
NPRM 11/00/86
Final Rule 12/00/87

Chlorinated Aliphatic Compounds (SAR 1854)
NPRM 02/10/84 (49 FR 5313)
Interim Final Rule 02/10/84 (49 FR 5308)
Final Rule 01/00/86

Chlorotoluenes Production (SAR 2205)
NPRM 02/00/86
Final Rule 04/00/87

Coal Slurry Pipeline Effluent
Listing Decision 01/00/86

Coke By-Product Wastes (SAR 2227)

Listing Decision 01/00/86
Dimethylhydrazine (SAR 1954)
NPRM 12/20/84 (49 FR 49556)
Final Rule 04/00/86
Dimthoate, Methomyl and Famphur (SAR 1944)
NPRM 10/03/83 (48 FR 45210)
Final Rule 04/00/86
Diphenylamine (SAR 2156)
NPRM 03/00/86
Final Rule 03/00/87
Hexavalent Chromium (SAR 1761)
NPRM 10/30/80 (45 FR 72029)
Publication of Report 03/00/86
Inorganic Chemicals Industry (SAR 2235)
Listing Decision 01/00/86
Laboratory Wastes (SAR 2228)
NPRM 12/00/85
Final Rule 12/00/86
Lead Alkyls Production (SAR 2173)
NPRM 02/00/86
Final Rule 02/00/87
Linuron and Bromacil (SAR 2154)
NPRM 05/01/85 (50 FR 18622)
Final Rule 08/00/86
Methyl Bromide (SAR 2157)
NPRM 04/25/85 (50 FR 16432)
Final Rule 07/00/86
Nitroanilines Production (SAR 2171)
NPRM 08/00/86
Final Rule 09/00/87
Nitrotoluenes/Toluidines (SAR 2155)
NPRM 05/00/86
Organobromine (SAR 1862)
NPRM 11/08/84 (49 FR 44718)
Interim Final Rule 03/00/86
Paint Manufacturing (SAR 2220)
Listing Decision 01/00/86
Petroleum Refinery (SAR 2226)
NPRM 02/00/86
Final Rule 09/00/87
Solvent Mixtures (SAR 1858)
NPRM 04/30/85 (50 FR 18378)
Final Rule 11/30/85
Toluene Diisocyanate (SAR 1955)
NPRM 05/08/84 (49 FR 19608)
Final Rule 11/00/85
Wood Preserving (SAR 2174)
NPRM 07/00/86
Final Rule 12/00/87

Small Entity: No

Additional Information: SAR No.

RCRA Hotline

FTS: 8-382-3000

Agency Contact: RCRA Hotline, Environmental Protection Agency, Solid Waste and Emergency Response, Washington, DC 20460, **800 424-9346**

RIN: 2050-AB46

2754. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: IRON DEXTRAN

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 / RCRA 2002a; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 20 CFR 261

Abstract: This action proposes to remove iron dextran from 40 CFR Part 261.33(f) and Appendix VIII as a hazardous substance. This action is in response to a petition the Agency received requesting removal because there is no proof of any hazard to the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR 2274

FTS 382-4777

Agency Contact: Agnes Artiz, Environmental Protection Agency, Solid Waste and Emergency Response, Environmental Protection Agency, 401 M street, Washington, DC 20460, **202 382-4777**

RIN: 2050-AB54

2755. HAZARDOUS WASTE EXPORTS

Legal Authority: RCRA as Amended by HSWA 245

CFR Citation: 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 271

Abstract: The primary purpose of the Exports regulation is for EPA to; formally notify foreign governments of exports of hazardous waste to their country, receive confirmation of approval or disapproval and formally notify the U.S. exporter. A notification of approval by EPA must accompany each waste shipment. Only a few hundred shipments of hazardous waste are exported annually, none by small entities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 2208.

FTS:8-382-2217

Agency Contact: Carolyn Barley, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, DC20460, **202 382-2217**

RIN: 2050-AB13

2756. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES: WASTE OIL

Significance: Regulatory Program

Legal Authority: 42 USC 6921 to 6925 / RCRA 3001 to 3005; 42 USC 6930 / RCRA 3010; 42 USC 6932 / RCRA 3014

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Abstract: Pursuant to the requirements of the Used Oil Recycling Act (incorporated into RCRA by amendments in 1980 and 1984), the Agency is evaluating what types of regulatory controls should apply to the re-use and re-cycling of used oil. EPA will propose regulations based on these evaluations. In addition, the Agency proposed on January 11, l985 interim controls including notification requirements for facilities that blend, distribute, and burn used oil fuel sold to non-industrial boiler owners.

Timetable:

Action	Date	FR Cite
NPRM	12/18/78	43 FR 58946
RPRM	10/00/85	
Final Action	10/00/85	

Small Entity: Yes

Additional Information: SAR No. 1713.

Docket No. 3012.

FTS:8-382-7917.

Analysis: RIA, RFA

Agency Contact: Michael Petruska, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-7917**

RIN: 2050-AA00

2757. RCRA SMALL QUANTITY GENERATOR RULE (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261.5

Abstract: Under existing EPA hazardous waste regulations, hazardous wastes generated by persons generating less than 1000 kilograms of hazardous waste a month are largely exempt from regulation. In 1984, Congress amended RCRA to require EPA to develop regulations for hazardous wastes generated by of 100-1000 kilograms of hazardous wastes of month.

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	50 FR 31278
Final Action	03/00/86	

Small Entity: Yes

Additional Information: SAR No. 1935.

FTS:8-382-4807.

Analysis: RFA; Preliminary RIA 08/01/85; Draft RFA 08/01/85; Final RIA 00/00/00

Agency Contact: Bernard Stoll, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4761**

RIN: 2050-AA59

2758. HAZARDOUS WASTE AS FUELS: ADMINISTRATIVE STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3001, 3002, 3004, 3007, 3010, 3012

CFR Citation: 40 CFR 264

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to regulate the burning and blending of hazardous waste fuels. This regulation will set specifications for used oil fuel and prohibit the burning of hazardous waste and off-spec used oil in residential, commercial and institutional boilers. The regulations will also establish notification manifest and recordkeeping procedures for industrial boilers and furnaces burning hazardous waste and off-spec used oil.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1684
Final Action	10/00/85	
Notification Requirements	02/00/86	

Small Entity: No

Additional Information: SAR No. 2079.

FTS-8-382-7917.

Contains previous RIN 2050-AA29 (Standards for Owners/Operators of Waste Facilities: Boilers) (Revision)

Agency Contact: Karen Walker, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, DC 20460, **202 382-7917**

RIN: 2050-AA74

2759. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: TOXICITY CHARACTERISTIC MODIFICATION

Significance: Regulatory Program

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261

Abstract: A number of chemicals will be selected that pose a health hazard such as CAG carcinogens, pesticides, and compounds found to cause damage (these chemicals and concentration levels will be added to the toxicity characteristics). Using ADI's and CAG risk values, waste concentration values would be derived which would yield hazardous exposure levels. This revision would require that each waste generator assess their wastes to determine in the waste exhibits the toxicity characteristic; a positive finding would then require its management as a hazardous waste. This regulation will amend the Extraction Procedures Toxicity Characteristic by introducing a new leaching procedure that has been developed to address the mobility of both organic and inorganic compounds and solve the operational problems of the existing leaching procedure.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2062.

FTS-8-382-4770.

Analysis: RIA and RFA

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA78

2760. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: TEST METHODS FOR HAZARDOUS WASTE (REVISION)

Legal Authority: 42 USC 6921 to 6925 / RCRA 3001 to 3005

CFR Citation: 40 CFR 261

Abstract: This action updates the RCRA manual of approved test methods (test methods for Evaluating Solid Waste, SW-846) with respect to methods for ground water and incinerator monitoring. This action would codify the guidance given to the regulated community by requiring that these methods be used in all aspects of the RCRA program. At present the tests are required, as appropriate, for hazardous waste definition and for incinerator stack monitoring (for example, ground water monitoring and petitions for exclusion from regulation).

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38786
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 2068.

FTS-8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA82

2761. SCHEDULE FOR REVIEWING WASTES FOR POSSIBLE LAND DISPOSAL RESTRICTION

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 268

Abstract: This action would set forth the Agency's schedule for reviewing hazardous wastes to determine if they should be restricted from land disposal. This schedule will identify when the Agency intends to review each hazardous waste listed in 40 CFR Part 261.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/84	49 FR 5854
NPRM	05/31/85	50 FR 23250
Final Action	10/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2166.

FTS: 8-382-4770.

This action was split off from RIN 2050-AA30.

Agency Contact: Susan Bromm, Environmental Protection Agency, Solid Waste and Emergency Response, WH-562B, Washington, DC 20460, **202 382-4770**

RIN: 2050-AA97

2762. HAZARDOUS WASTE MANAGEMENT: MISCELLANEOUS AND EXPERIMENTAL UNITS

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 266

Abstract: General performance requirements will be established for hazardous waste management units which 40 CFR part 264 does not currently address. These types of facilities include deep mines, silos, salt mines, thermal treatment units, and open detonation units. This action will also create performance requirements for facilities engaging in hazardous waste research activities. EPA's objective is to encourage research and development of hazardous waste management technology while assuring environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1817.

Docket No. 3004.

FTS:8-382-4654.

Agency Contact: Robert Tonetti, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-4654**

RIN: 2050-AA23

2763. RESTRICTION OF LAND DISPOSAL OF CERTAIN HAZARDOUS WASTES: SOLVENTS, DIOXINS AND ESTABLISHING THE FRAMEWORK FOR EPA'S LAND DISPOSAL PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 268

Abstract: This rule establishes the framework for EPA's land disposal restrictions program including setting treatment standards for hazardous wastes prior to land disposal, procedures for filing petitions for ban exemptions, criteria for setting effective dates for bans, and procedures for case-by-case effective date extensions. It will also include decisions for solvents wastes (EPA waste codes F001- F005) and dioxin containing wastes (EPA waste codes F 020-F 023 and F 026- F 028)

Timetable:

Action	Date	FR Cite
ANPRM	02/15/84	49 FR 5854
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1878.

Docket No. 3001.

FTS:8-382-4770.

Analysis: RIA

Agency Contact: Susan Bromm, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA30

2764. CONSOLIDATED PERMITS: CLASS PERMITS

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 270

Abstract: This regulation will amend EPA's hazardous waste management permitting regulations by establishing a class permit application form for use by facilities whose only activity subject to RCRA permitting consists of storing hazardous wastes in containers that have been generated on-site. Promulgation of this rule would expedite the permitting process for this class of facility. This is the first RCRA class/permit the Agency will issue.

Timetable:

Action	Date	FR Cite
NPRM	07/20/84	49 FR 29524
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1844.

Docket No. 3005.

FTS:8-382-7292.

Agency Contact: Stephen Glomb, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-7917**

RIN: 2050-AA36

2765. STANDARDS FOR STORAGE OR TREATMENT OF HAZARDOUS WASTE IN TANK SYSTEMS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: The storage or treatment of hazardous waste in tanks systems raises considerable concern regarding potential risk to health or the environment posed by migration of the waste. The purpose of this action is to develop a more comprehensive regulatory strategy for the proper management of tank systems for storing or treating hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	06/26/85	50 FR 26444
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 1957.

FTS:8-382-3081.

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-3081**

RIN: 2050-AA57

2766. STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION-AS NECESSARY AND DESIRABLE

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004 /HSWA 208

CFR Citation: 40 CFR 264H; 40 CFR 265H

Abstract: This rule would require owners and operators of hazardous waste disposal facilities to demonstrate financial responsibility for corrective action. Failures to undertake corrective action by owners or operators will

result in increasing degradation of groundwater resources and increased clean-up costs to the public. Firms with low net worth may not be able to obtain or afford other financial assurance mechanisms as they are currently structured in 40 CFR Part 264, Subpart H. The Agency is examining the effects of a national fund and restructured financial assurance instruments.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/82	47 FR 32279
Interim Final Rule	09/00/86	
Final Action	09/00/87	

Small Entity: Yes

Additional Information: SAR No. 1948.

FTS: 8-382-4761.

Analysis: RIA, RFA

Agency Contact: **Deborah Wolpe**, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562), Washington, DC 20460, **202 382-4761**

RIN: 2050–AA69

2767. HAZARDOUS WASTE AS FUELS: TECHNICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004, 3005

CFR Citation: 40 CFR 264

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of l984 require the Agency to develop technical standards for the burning of hazardous waste fuels. This regulation will establish acceptable situations for use of hazardous waste fuel in industrial boilers and certain industrial furnaces. It will also establish prohibitions, operating parameters, and permit procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR No. 2078.

FTS-8-382-7917.

Contains previous RIN 2050-AA29.

Analysis: RIA

Agency Contact: **Robert Holloway**, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, DC 20460, **202 382-7917**

RIN: 2050–AA72

2768. LAND DISPOSAL LINER AND LEAK DETECTION REGULATION

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: These amendments to the Agency's interim status and permitting rules may include requirements pertaining to double liner and leachate collection systems for certain units which are currently singularly lined, leak detection systems, leak response and repair construction quality assurance plans, removable coupons and leachate level monitoring. These amendments are considered to assure better design, construction, and operation of hazardous waste land disposal facilities and, thus, enhance protection of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 2080.

FTS-8-382-4654.

Includes previous RINs 2050-AA21, 2050-AA50, and 2050-AA52.

Analysis: RIA

Agency Contact: **Robert Tonetti**, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-505), Washington, DC 20460, **202 382-4654**

RIN: 2050–AA76

2769. STANDARDS FOR OWNERS AND OPERATORS OF WASTE FACILITIES: CLOSURE AND POST-CLOSURE CARE (REVISION)

Legal Authority: 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: The Agency proposed revisions to the existing Subpart G and H regulations in accordance with the terms of the American Iron and Steel Institute (AISI) litigation. In addition, the revisions will clarify ambiguous language in the current regulations. Failure to promulgate these revisions directly violates the AISI settlement agreement. Under the AISI settlement agreement, failure to promulgate these revisions may lead to a direct legal challenge of the existing Subpart G and H regulations. Failure to clarify ambiguous language will create problems as the Agency implements those closure and post closure requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 11068
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2165.

FTS: 8-382-4790.

Agency Contact: **Susan Hughes**, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4790**

RIN: 2050–AB00

2770. ALTERNATE CONCENTRATION LIMITS (ACL)AND OTHER GROUNDWATER REGULATORY AMENDMENTS

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264

Abstract: Alternative concentration limits (ACLs) provide a variance for RCRA permits that allows for some leakage of hazardous constituents. The present regulations do not allow for the use of man-made hydrogeologic barriers as part of an ACL demonstration. This regulatory amendment would explicitly allow such use. This action will also evaluate parameters and statistics for detecting ground-water contamination, and other ground- water monitoring and standards issues. This action also evaluates parameters and statistics for detecting ground-water contamination, and other ground-water monitoring and standards issues.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/86	

Small Entity: No

Additional Information: SAR No. 2223 and 2273

FTS-382-4495

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC20460, **202 382-4495**

RIN: 2050-AB20

2771. FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION: PRIOR RELEASES

Legal Authority: 42 USC 6901 /RCRA 3004, HSWA 206

CFR Citation: 40 CFR 264

Abstract: The current RCRA regulations require owners/operators of hazardous waste management facilities to demonstrate financial responsibility for the costs of closure and post closure (if applicable) activities. The HSWA require that owners/operators seeking a RCRA permit also demonstrate financial responsibility for completing corrective actions for prior releases. EPA plans to write implementing regulations using the financial instruments in the current hazardous waste regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	01/00/87	

Small Entity: No

Additional Information: SAR No. 2225.

FTS:8-382-4761

Agency Contact: Deborah Wolpe, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC20460, **202 382-4761**

RIN: 2050-AB22

2772. USE OF APPENDIX VIII FOR GROUNDWATER MONITORING

Legal Authority: 42 USC 3251/RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: The Appendix VIII of 40 CFR Part 26l is a list of hazardous constituents presently referenced in 40 CFR Part 264 and 265 for use in groundwater monitoring. This proposed amendment would modify the list for the purposes of this use.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2229 and 2273

FTS 382-4654

Agency Contact: Dr. Robert W. April, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC20460, **202 382-4654**

RIN: 2050-AB27

2773. PROPOSED CODIFICATION RULE FOR THE L984 RCRA AMENDMENTS

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 260 to 271; 40 CFR 122 to 124

Abstract: The purpose of this rule is to expand and elaborate on specific portions of the Final Codification Rule which was effective on July 15, l985. The Final Codification Rule codified those requirements specified by the 1984 amendments to RCRA which were effective immediately or shortly after enactment. More specifically, this rule addresses such areas as minimum technology requirements for land disposal facilities; corrective action for prior releases at solid waste management units; research, demonstration and development permits and permit modifications and post-closure permits.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR No. 2187.

FTS -382-5864.

Agency Contact: Jim O'Leary, Environmental Protection Agency, Solid Waste and Emergency Response, WH-562, Washington, DC 20460, **202 475-4361**

RIN: 2050-AB58

2774. ◎ STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES; LIABILITY STORAGE

Legal Authority: 42 USC 6901 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: The Agency is considering whether to revise the financial responsibility requirements in 40 CFR Parts 264(i) and (j) and 265. The Agency will requests comments on the availability of insurance to satisfy the existing liability coverage requirements for owners and operators of hazardous waste facilities and on methods for the Agency to address potential restrictions in the availability of coverage. EPA is considering whether any revisions to 40 CFR Parts 264 and 265 are necessary in light of the current state of the insurance market. The Agency will request comments on a range of subjects related to the availability of insurance policies that may be used to comply with the liability coverage requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2273.

FTS-382-4761

Agency Contact: Carol Ansheles, Program Analyst, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4761**

RIN: 2050-AB47

2775. CONSOLIDATED PERMITS: MINOR MODIFICATIONS TO EXISTING RCRA PERMITS (REVISION)

Legal Authority: 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 270.42

Abstract: Existing regulations allow EPA to make specified minor modifications to existing RCRA permits without going through the draft permit and public participation procedures required to make more substantial changes to permits. Under the settlement agreement in NRDC v EPA, EPA is proposing an amendment which would expand the kinds of permit

modifications that qualify as minor modifications and thus are exempt from most procedural requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/15/84	49 FR 9850
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 1805.

Docket No. 3005.

FTS:8-382-4500.

Agency Contact: David Fagann, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, DC 20460, **202 382-4740**

RIN: 2050-AA37

2776. AMENDMENT TO STATE PROGRAM CAPABILITY REQUIREMENTS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.16

Abstract: This action will amend 40 CFR 271.16 to require a State either to have administrative penalty authority or to request that EPA use its administrative penalty authority when warranted. The new requirements would apply to States that have received final authorization by operation of the "money target" rule, which will provide that a State has a year (two years of a statute must be changed) to comply with federal regulations promulgated after the State obtained final authorization.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2158.

FTS: 8-382-4823.

Agency Contact: Anthony M. Montrone, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-527), Washington, DC 20460, **202 382-4823**

RIN: 2050-AB01

2777. STREAMLINING APPROVAL OF STATE PROGRAM REVISIONS

Legal Authority: 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 271

Abstract: The Hazardous and Solid Waste Amendments of l984 (HSWA) result in a number of amendments to the Federal regulations at various intervals. Currently, each time any Federal regulatory amendment is made, authorized States must revise their programs in accordance with one of two procedures in 40 CFR 271.21 -- depending on whether the revision was considered "substantial" or "non-substantial"--in order to retain authorization. This revision to 40 CFR Part 271.21 would streamline the process for EPA review and approval of proposed State program revisions by eliminating the "substantial" distinction and replacing the two review procedures with one.

Timetable:

Action	Date	FR Cite
NPRM	06/10/85	50 FR 24362
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2206.

FTS-382-2210

Agency Contact: Truett V. DeGeare, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), **202 382-2210**

RIN: 2050-AB11

2778. GUIDELINE FOR FEDERAL PROCUREMENT OF PAPER AND PAPER PRODUCTS CONTAINING RECOVERED MATERIALS

Legal Authority: 42 USC 6962 / RCRA 6002

CFR Citation: 40 CFR 250

Abstract: This action is a requirement and necessary precedent to the implementation of affirmative recycled paper procurement programs. It would encourage the recovery of post consumer recovered materials and reduce the volume of solid waste.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 14076
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 2011.

FTS: 8-382-4502.

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565 A), Washington, DC 20460, **202 382-4502**

RIN: 2050-AA68

2779. ● GUIDELINES FOR RUBBER ASPHALT

Legal Authority: 42 USC 3251 / RCRA 6002

CFR Citation: 40 CFR Not yet determined

Abstract: This action establishes guidelines for the Federal procurement of asphalt made from rubber from scrap tires. The purpose of this action is to encourage the recovery of scrap tires and reduce the environmental threat they represent.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	10/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2259.

FTS-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-4502**

RIN: 2050-AB52

2780. ● GUIDELINES FOR PROCUREMENT OF RE-REFINED OIL

Legal Authority: 42 USC 3251 / RCRA 6002

CFR Citation: 40 CFR Not yet determined

Abstract: This action establishes the guidelines for the Federal procurement of re-refined waste lubricating oils and hydraulic fluids. This action will encourage the recovery of waste oil and reduce the environmental threat waste oil represents.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2257.

FTS-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Environmental Protection Agency, Washington, DC 20460, 202 382-4502

RIN: 2050-AB53

2781. NOTIFICATION FORM FOR UNDERGROUND TANKS

Legal Authority: 42 USC 6992 /RCRA 9002

CFR Citation: 40 CFR 280

Abstract: The HSWA requires owners of underground storage tanks holding regulated substances to notify state agencies by May 8,1986 of the existence of these tanks; specifying the age, size, type, location, and use of the tank. EPA is required to prescribe a notification form to receive the information. EPA will develop a rule that identifies those who must notify, the procedure for filing the notifications, and their content. The rule will also prescribe a form that must be used by tank owners unless the state where the tank is located has its own form that incorporates the same information.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21772
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2209.

FTS-382-7917

Agency Contact: Virginia Garelick, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington,DC20460, 202 382-7917

RIN: 2050-AB14

2782. LEAKING UNDERGROUND STORAGE TANKS: REGULATIONS FOR TANKS

Significance: Regulatory Program

Legal Authority: 42 USC 6993 /RCRA 9003

CFR Citation: 40 CFR Not yet determined

Abstract: This regulation will establish, under Subtitle I of RCRA, requirements for leak detection, prevention, and closure of all underground storage tanks holding petroleum and other regulated substances. Because of the large size of the regulated community, this rule could impact a significant number of small business entities and a Regulatory Flexibility Analysis would be conducted by EPA. Promulgation of this rule, will, for the first time, establish national requirements for the storage of regulated substances, including, petroleum products in underground tanks. It will not apply to underground tanks storing hazardous wastes, which are currently regulated under Subtitle C of RCRA. These regulations will also include performance standards for new tanks; addressing the design, construction, installation, compatibility and leak detection.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: SAR No. 2221.

FTS 382-7917

Analysis: RIA and RFA

Agency Contact: David O'Brien, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC20460, 202 382-7917

RIN: 2050-AB19

2783. INTERPRETIVE RULE FOR THE LUST INTERIM PROHIBITION

Legal Authority: 42 USC 6993 /RCRA as amended by HSWA section 9003(g)

CFR Citation: 40 CFR Not yet determined

Abstract: This interpretive rule will present EPA's interpretation of the terms of the Interim Prohibition. Terms such as "operational life", "compatibility",and "cathodic protection" will be defined in this document. In addition, guidance will be provided on how to comply with the provisions of the Interim Prohibitions. Examples will be provided of design features and systems which are acceptable under the prohibition as well as those that are not acceptable.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/85	

Small Entity: No

Additional Information: SAR No. 2222.

FTS:8-475-6673

Agency Contact: Stephen Nacht, Environmental Protection Agency, Solid Waste and Emergency Response, (WH 565), Washington, DC 20460, 202 475-6673

RIN: 2050-AB57

2784. REQUIREMENTS FOR AUTHORIZATION OF STATES: UNDERGROUND STORAGE TANK PROGRAMS

Legal Authority: 42 USC 3251 /RCRA 9004 as amended by HSWA

CFR Citation: 40 CFR Not yet determined

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) allow EPA to approve State underground storage tank programs to operate in lieu of the Federal program. This rule will establish the requirements for the EPA approval of such State programs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: SAR No. 2234.

FTS:8-382-2210

Agency Contact: Susan Mann, Environmental Protection Agency, Solid Waste and Emergency Response, (WH 563), Washington, DC 20460, 202 382-4422

RIN: 2050-AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Existing Regulations Under Review

2785. REVIEW OF STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: FOR LANDFILLS

Legal Authority: 42 USC 6924 / RCRA 3000

CFR Citation: 40 CFR 264

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all land requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA of alternatives, environmental benefits, costs and impacts before promulgating final land disposal regulations. EPA intends to use this analysis in making modifications to the liner standard (RIN 2050-AA76).

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	11/00/86	

Small Entity: Yes

Additional Information: SAR No. REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act.

Agency Contact: Cliff Rothenstein, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-2791

RIN: 2050-AA50

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Completed Actions

COMPLETED RULEMAKINGS

2786. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: IGNITABLE HAZARDOUS WASTE

CFR Citation: 40 CFR 261.21

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: Undetermined

Agency Contact: Florence Richardson 202 382-4801

RIN: 2050-AA77

2787. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: MICHIGAN PETITION

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: David Friedman 202 382-4770

RIN: 2050-AA84

2788. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: NITROTOLUENES/TOLUIDINES MANUFACTURING WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Wanda Lebleubiswas 202 382-5096

RIN: 2050-AA92

2789. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: METHYL BROMIDE MANUFACTURING WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Howard Fribush 202 382-5219

RIN: 2050-AA93

2790. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DIPHENYLAMINE MANUFACTURING WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Edwin F. Abrams 202 382-4775

RIN: 2050-AA94

2791. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: LINURON AND BROMACIL MANUFACTURE WASTES

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Wanda Le Bleu-Biswas 202 382-5096

RIN: 2050-AA95

2792. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LISTING OF USED OIL

CFR Citation: 40 CFR 261.31

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: Undetermined

Agency Contact: Bob Axelrad 202 382-5218

RIN: 2050-AA96

2793. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: DIALLATE/TRIALLATE PRODUCTION WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	00/00/00	00 FR 00

Small Entity: No

Agency Contact: Howard Fribush 202 475-6678

RIN: 2050-AB05

2794. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: CHLOROTOLUENES PRODUCTION WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Howard M. Fribush 202 475-6678

RIN: 2050-AB06

2795. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: CARBON DISULFIDE PRODUCTION WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Edwin F. Abrams 202 382-4775

RIN: 2050-AB07

2796. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LEAD ALKYLS PRODUCTION WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Richard L. Dailey 202 475-6726

RIN: 2050-AB08

2797. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: WOOD PRESERVING WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Cate Jenkins 202 382-4788

RIN: 2050-AB09

2798. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: NITROANILINES PRODUCTION WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Edwin F. Abrams 202 382-4775

RIN: 2050-AB10

2799. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: COAL SLURRY PIPELINE EFFLUENT

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Robert Scarberry 202 475-6725

RIN: 2050-AB16

2800. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: PAINT MANUFACTURING WASTES

CFR Citation: 40 CFR 261.31; 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Robert Scarberry 202 475-6725

RIN: 2050-AB17

2801. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: PETROLEUM REFINERY WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Benjamin Smith 202 382-4791

RIN: 2050-AB24

2802. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LISTING OF COKE BY-PRODUCT WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Robert Scarberry 202 475-6725

RIN: 2050-AB25

2803. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE INORGANIC CHEMICALS INDUSTRY PRODUCTION

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
1 See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Edwin F. Abrams 202 382-4775

RIN: 2050-AB32

2804. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: HEXAVALENT CHROMIUM MODIFICATION (REVISION)

CFR Citation: 40 CFR 261.24

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: David Friedman 202 382-4770

RIN: 2050-AA06

2805. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: REVISE AND EXPAND SOLVENT LISTINGS (REVISION)

CFR Citation: 40 CFR 261.31; 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: Undetermined

Agency Contact: Jacqueline Sales 202 382-4807

RIN: 2050-AA09

2806. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: RESIDUALS FROM PRODUCTION OF C1-C6 CHLORINATED ALIPHATIC COMPOUNDS (REVISION)

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Cate Jenkins 202 382-4788

RIN: 2050-AA11

2807. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DIMETHYLHYDRAZINE MANUFACTURING WASTE

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Cate Jenkins 202 382-4788

RIN: 2050-AA61

2808. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: ORGANOBROMINE MANUFACTURING WASTES (REVISION)

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Wanda Le Bleu-Biswas 202 382-5096

RIN: 2050-AA62

2809. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: TOLUENE DIISOCYANATE MANUFACTURING WASTES

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Wanda Le Bleu-Biswas 202 382-5096

RIN: 2050-AA63

2810. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DIMETHOATE, METHOMYL, AND FAMPHUR

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Alan S. Corson 202 382-4770

RIN: 2050-AA64

2811. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: CARBAMATE MANUFACTURING WASTES (REVISION)

CFR Citation: 40 CFR 261.32

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Howard Fribush 202 382-4761

RIN: 2050-AA65

2812. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DELISTING PROCEDURES (REVISION)

CFR Citation: 40 CFR 260.22

Completed:

Reason	Date	FR Cite
See completed action RIN #2050-AB35 for delisiting requirements.	00/00/00	00 FR 00

Small Entity: No

Agency Contact: Myles Morse 202 382-4805

RIN: 2050-AA81

2813. AMENDMENTS TO THE FINAL CODIFICATION RULE

CFR Citation: 40 CFR 260 to 271; 40 CFR 122 to 124

Completed:

Reason	Date	FR Cite
Final Action	07/15/85	50 FR 28702

Small Entity: No

Agency Contact: Michael Cook 202 382-5864

RIN: 2050-AB23

2814. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LABORATORY WASTE LISTING

CFR Citation: 40 CFR 261

EPA—RCRA

Completed Actions

Completed:

Reason	Date	FR Cite
See RIN 2050-AB46 for current status.	08/14/85	00 FR 00

Small Entity: No

Agency Contact: Susan E. Bromm 202 382-4770

RIN: 2050-AB26

2815. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: EP TOXICITY

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Combined with RIN # 2050-AA78	00/00/00	00 FR 00

Small Entity: No

Agency Contact: David Friedman 202 382-4770

RIN: 2050-AB29

2816. STANDARDS FOR OWNERS/OPERATORS OF HAZARDOUS WASTE FACILITIES: LIQUIDS AND LANDFILLS (REVISION)

CFR Citation: 40 CFR 264; 40 CFR 265

Completed:

Reason	Date	FR Cite
Combined with RIN 2050-AB12.	00/00/00	

Small Entity: No

Agency Contact: Paul Cassidy 202 382-4682

RIN: 2050-AA34

2817. CONSOLIDATED PERMITS: DURATION OF PERMITS FOR HAZARDOUS WASTE FACILITIES (REVISION)

CFR Citation: 40 CFR 123; 40 CFR 264; 40 CFR 270.50

Completed:

Reason	Date	FR Cite
Agency is suspending action on the regulation due to HSWA.	00/00/00	

Small Entity: No

Agency Contact: David Fagan 202 382-4740

RIN: 2050-AA38

2818. HAZARDOUS WASTE MANAGEMENT SYSTEM: INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES: CONFORMING CHANGES

CFR Citation: 40 CFR 265

Completed:

Reason	Date	FR Cite
Final Action	04/23/85	50 FR 16044

Small Entity: No

Agency Contact: Kent Anderson 202 382-4654

RIN: 2050-AA98

2819. LEAKING UNDERGROUND STORAGE TANKS: PERFORMANCE STANDARDS FOR TANKS

Significance: Regulatory Program

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Combined with RIN 2050-AB18.	00/00/00	00 FR 00

Small Entity: Undetermined

Agency Contact: David O'Brien 202 382-7917

RIN: 2050-AB04

COMPLETED REVIEWS

2820. REVIEW OF GROUNDWATER MONITORING

CFR Citation: 40 CFR 265

Completed:

Reason	Date	FR Cite
End Review	10/00/85	

Small Entity: No

Agency Contact: Bernard Stoll 202 382-4761

RIN: 2050-AA89

2821. REVIEW OF STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: INCINERATORS

CFR Citation: 40 CFR 264

Completed:

Reason	Date	FR Cite
New HSWA Amendments require a different regulatory approach.	00/00/00	00 FR 00

Small Entity: Yes

Agency Contact: Dale Ruhter 202 382-2791

RIN: 2050-AA53

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA)

Current and Projected Rulemakings

2822. NAAQS FOR SULFUR OXIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.4

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur dioxide. The Agency will revise the standards where appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	12/00/85	
Final Action	01/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 1002. Docket No. OAQPS-79-7. FTS:8-629-5655.

Analysis: RIA

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060–AA61

2823. NAAQS FOR PARTICULATE MATTER (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.6

Abstract: Particulate matter is one of the major pollutants in the ambient air. EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for particulate matter. The Agency proposes to revise the standards to better protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	03/20/84	49 FR 10408
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 1003.

Docket No. A-79-29.

FTS:8-629-5655.

Analysis: RIA

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060–AA62

2824. NEW SOURCE REVIEW (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6910 / CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980.

Timetable:

Action	Date	FR Cite
NPRM	08/25/83	49 FR 38742
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1845.

FTS:8-629-5591.

Agency Contact: Kirt Cox, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5591**

RIN: 2060–AA68

2825. AMBIENT AIR QUALITY SURVEILLANCE (REVISION)

Legal Authority: 42 USC 7410 / CAA 110; 42 USC 7601 / CAA 301; 42 USC 7619 / CAA 319

CFR Citation: 40 CFR 58

Abstract: This action will revise Part 58 to clarify and incorporate changes to the regulations deemed appropriate as a result of the past four years of experience. One of the principal revisions will propose allowing 120 days after the end of each quarter instead of the current 90 days for the submittal of National Air Monitoring System (NAMS) air quality and precision data to EPA. The 90 days were too short a time period to properly validate the air quality data. Another revision will propose to use the 1980 census data and urbanized area boundaries instead of the 1970 values for network design and evaluation purposes.

Timetable:

Action	Date	FR Cite
NPRM	03/08/85	50 FR 9538
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2102.

FTS: 8-629-5651.

Agency Contact: Stanley F. Sleva, Environmental Protection Agency, Air and Radiation, MD-14, Research Triangle Park, NC 27711, **919 541-5651**

RIN: 2060–AB47

2826. RESTRUCTURE CFR PARTS 51, 52 (REVISION)

Legal Authority: 42 USC 7410 / CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Abstract: This rule will revise 40 CFR 51, which specifies the requirements for the adoption, preparation, and submittal of state implementation plans. The revisions will delete obsolete provisions, reduce reporting requirements, and clarify portions. References to Part 51 within Part 52 will be similarly revised. Certain portions of Part 51 such as the PSD provisions will not be restructured at this time.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46152
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 1503.

Docket No. A-81-25.

FTS: 8-629-5697.

Agency Contact: Joe Sableski, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5697**

RIN: 2060–AB49

2827. QUALITY ASSURANCE PROCEDURES, APPENDIX F, PROCEDURE 1

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7414 / CAA; 42 USC 7601 / CAA

CFR Citation: 40 CFR 60, Appendix F

Abstract: This rule would add quality assurance requirements on gas continuous emission monitoring systems (CEMs) used for compliance. The purpose is to improve data quality and strengthen the basis for decisions made with regard to quality assurance.

Timetable:

Action	Date	FR Cite
NPRM	03/14/84	49 FR 9676
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 1741.

Docket No. A-80-29.

FTS:8-629-2415.

Agency Contact: Darryl von Lehmden, Environmental Protection Agency, Air and Radiation, (MD-77), Research Triangle Park, NC 27711, **919 541-2415**

RIN: 2060–AA09

2828. NSPS: STATIONARY INTERNAL COMBUSTION ENGINES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart FF

Abstract: These regulations will require the application of best available demonstrated technology to control

nitrogen oxide emissions from stationary diesel and dual-fuel internal combustion engines. Some small oil drilling companies and municipal electric generation facilities may be affected by this standard. EPA will issue separate standards for gas and gasoline-fueled stationary I.C. engines later. The Agency is considering exempting engines with a displacement of less than 560 cubic inches per cylinder.

Timetable:

Action	Date	FR Cite
NPRM	07/23/79	44 FR 43152
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1008.

Docket No. OAQPS-79-5.

FTS:8-629-5578.

Analysis: RFA

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA11

2829. NSPS: SOLVENT DEGREASING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart JJ

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39766
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1010.

Docket No. OAQPS 78-12.

FTS:8-629-5624.

Analysis: RFA

Agency Contact: Fred L. Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA12

2830. NSPS: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart OO

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule. Some small perchloroethylene facilities may be affected by this standard.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78174
Decision on need for standard expected by	11/00/85	

Small Entity: Yes

Additional Information: SAR No. 1119.

Docket No. A-79-30.

FTS:8-629-5624.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA14

2831. NSPS: VOLATILE ORGANIC LIQUIDS STORAGE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart Kb

Abstract: This standard will control volatile organic compound emissions from the storage of organic liquids. It will affect new, modified or reconstructed VOL storage vessels (including petroleum liquid storage vessels) with capacities of 10,000 gallons or more.

Timetable:

Action	Date	FR Cite
NPRM	07/23/84	49 FR 29698
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 1612.

Docket No. A-80-51.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA23

2832. NSPS: RUBBER PRODUCTS INDUSTRY-TIRE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart BBB

Abstract: This standard will control VOC (volatile organic compound) emissions from solvent application during undertread/sidewall cementing, tread end cementing, bead cementing and green tire coating in rubber tire manufacturing plants. It will require use of less solvent or installation of a 75% efficient emission reduction system.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2676
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 1615.

Docket No. A-80-9.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA24

2833. NSPS: SYNTHETIC ORGANIC CHEMICAL INDUSTRY: AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart III

Abstract: This regulation will control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48932
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 1618.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA30

2834. NSPS: SOLVENT DEGREASING(111D)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This action will require States to control organic solvent cleaners to reduce emissions of specific organic solvents designated under a separate NSPS action (SAR 1010). This action may impact any manufacturing operations that employ organic solvent

cleaners to remove grease and oils from parts prior to assembly. Some new issues have arisen and EPA is deciding whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1695.

FTS:8-629-5624.

Analysis: RFA

Agency Contact: Fred L. Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060–AA33

2835. NSPS: DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation will control emissions of volatile organic compounds from modified and reconstructed facilities at petroleum refineries and synthetic organic chemical plants.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	48 FR 57538
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 1733.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA35

2836. NSPS: PETROLEUM REFINERY, FCC REGENERATORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This standard will require control of sulfur dioxide from fluidized catalytic cracking units.

Timetable:

Action	Date	FR Cite
NPRM	01/17/84	49 FR 2058
Revised NPRM	10/00/85	
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 1736.

FTS:8-629-5624.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060–AA36

2837. NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	12/00/86	

Small Entity: No

Additional Information: SAR No. 1691.

Docket No. A-82-19.

FTS:8-629-5578.

Affected Sectors: Multiple

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA37

2838. NSPS: BASIC OXYGEN FURNACES (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60 N

Abstract: This action revises the existing NSPS which controls particulate emissions during air blowing in basic oxygen process furnaces in steel mills. The revision will extend coverage to charging and tapping cycles. This revision will ensure better control of particulate emissions from secondary sources and will remove some ambiguities in the existing standards for primary sources.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2658
Final Action	11/00/85	

Small Entity: Yes

Additional Information: SAR No. 1671.

Docket No. A-79-06.

FTS:8-629-5624.

Analysis: RFA

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA72

2839. NSPS: KRAFT PULP MILLS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart BB

Abstract: EPA has reviewed this standard and is proposing to make five changes. These revisions would: (1) Exempt black liquor oxidation systems from the standards; (2) revise the existing total reduced sulfur (TRS) standard for smelt dissolving tanks; (3) revise the units of the TRS standard for smelt dissolving tanks; (4) delete the requirement to monitor the combustion temperature in lime kilns, power boilers, or recovery furnaces; and (5) change the frequency of excess emission reports from quarterly to semi-annually.

Timetable:

Action	Date	FR Cite
NPRM	01/19/84	48 FR 2448
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 1959.

FTS: 8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, N.C. 27711, **919 541-5578**

RIN: 2060–AA97

2840. NSPS: SEWAGE TREATMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping and reporting requirements are warranted. The review assessed the performance and cost of control systems as well as experience in implementing the existing standard. EPA will issue a notice in the Federal Register announcing the results

of its review and proposing revisions to the standard.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 2028.

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060–AB05

2841. NSPS: AUTOMOBILE AND LIGHT-DUTY TRUCK COATING OPERATIONS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is revising the NSPS for automobile and light-duty truck coating operations which was promulgated in December 1980 to reflect additional operational data of the best demonstrated prime coat system. This revision of the standard does not reflect a change in the basis of the prime coat standard, but a better understanding of the performance of the prime coat system upon which the standard was originally based.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32743
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2044.

FTS: 8-629-5624.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB22

2842. NSPS: ON-SHORE PRODUCTION FOR SULFUR DIOXIDE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation will control sulfur dioxide compounds from new, modified and reconstructed facilities at natural gas processing plants.

Timetable:

Action	Date	FR Cite
NPRM	01/20/84	49 FR 2636
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 2110.

Split from previous RIN 2060-AA34--NSPS: On-Shore Production.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB27

2843. NSPS: FOSSIL FUEL-FIRED STEAM GENERATORS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7601(a)

CFR Citation: 40 CFR 60

Abstract: These revisions to the existing NSPS for large fossil fuel-fired steam generators would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48960
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2083.

FTS: 8-629-5578.

Contains previous RIN 2060-AA25 (NSPS: Non-Fossil Fuel Fired Boilers Revision).

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB29

2844. NSPS: INDUSTRIAL BOILERS, S02

Significance: Regulatory Program

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: Industrial boilers are a major stationary source of sulfur dioxide. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission limits upon the best available system of control, taking costs, environmental impacts and energy requirements into account.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	11/00/87	

Small Entity: No

Additional Information: SAR No. 2075.

FTS: 8-629-5578.

Split from previous RIN 2060-AA22 (NSPS: Industrial Boilers)

Analysis: RIA

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB33

2845. NSPS: INDUSTRIAL BOILERS--PARTICULATE MATTER AND NOX

Significance: Regulatory Program

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: Industrial boilers are a major stationary source of Particulate Matter and Nitrogen Oxide emissions. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission limits upon the best available system of control, taking costs, environmental impacts and energy requirements into account.

Timetable:

Action	Date	FR Cite
NPRM	06/19/84	49 FR 25102
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR No. 2076

Split from previous RIN 2060-AA22 (NSPS: Industrial Boilers)

Analysis: RIA

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA22

2846. NSPS: CEMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA has completed review of this action. As a result, the Agency intends to revise the standards to require installation of continuous opacity monitors on all kilns and clinker coolers subject to the standard after August 17, 1971.

Timetable:

Action	Date	FR Cite
NPRM	09/10/85	50 FR 36956
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 2186

FTS: 8-629-5578

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB38

2847. NSPS: REPORTING REQUIREMENTS FOR OPACITY

Legal Authority: 42 USC 7414 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation would require that owners and operators of affected facilities that are subject to opacity standards in 40 CFR 60 record and report the opacity of emissions at specific times. The intent of this rule is to ensure that adequate opacity data are obtained and recorded.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30676
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2070.

FTS: 8-629-5578.

Agency Contact: Shirley Tabler, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB42

2848. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: The scope of the SOCMI reactor processes NSPS includes all reactor processes (other than air oxidation reactor processes) used to manufacture 173 synthetic organic chemicals produced in quantities of at least 100 million lb/yr. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI. Furthermore, production of these large-volume chemicals is expected to have the greatest impact on nationwide VOC emissions, since the magnitude of emissions from reactor process units are generally proportional to chemical production rates.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	01/00/87	

Small Entity: No

Additional Information: SAR No. 2164.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB55

2849. NSPS: SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: This action would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat plastic parts for business machines.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	01/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2236.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB66

2850. NSPS: POLYMERIC COATING OF SUPPORTING SUBSTRATES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat polymeric compounds onto supporting substrates.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/84	49 FR 32868
NPRM	01/00/86	
Final Action	03/00/87	

Small Entity: No

Additional Information: SAR No. 2237.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB67

2851. NSPS: RESIDENTIAL WOOD COMBUSTION

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: A comprehensive study is in progress to determine the type and quantity of emissions from residential wood combustion devices. This study will assess the performance and costs of current technology utilized to control these emissions plus economic and technical developments within the industry.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/85	50 FR 31504
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2238.

FTS:8-629-5595.

Agency Contact: Kenneth R. Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060–AB68

2852. ● NSPS: VOC EMISSIONS FROM PETROLEUM REFINERY WASTEWATER SYSTEMS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation is intended to limit emissions of volatile compounds

from new, modified, and reconstructed refinery wastewater systems.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No.1696

FTS: 8-629-5627

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5627**

RIN: 2060-AB81

2853. ● NSPS: MAGNETIC TAPE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation is intended to limit emissions of volatile organic compounds from new, modified, and reconstructed magnetic tape manufacturing lines.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	01/00/87	

Small Entity: No

Additional Information: SAR No.1928

FTS: 8-629-5627.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5627**

RIN: 2060-AB88

2854. DECISION ON REGULATION OF CADMIUM

Legal Authority: 42 USC 7422 / CAA 122

CFR Citation: 40 CFR 61

Abstract: EPA is currently reviewing relevant available information on emissions of cadmium into the ambient air that may be either by itself or in combination with cadmium intake from food and drinking water reasonably anticipated to endanger public health. EPA will issue a decision on the necessary regulatory action for public comment before it becomes final.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	06/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1869.

FTS:8-629-5645.

Agency Contact: David Patrick, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5645**

RIN: 2060-AA38

2855. NESHAPS: ARSENIC FROM SMELTERS AND OTHER SOURCES

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 N; 40 CFR 61 O; 40 CFR 61 P

Abstract: EPA proposed standards for inorganic arsenic emissions from existing and new primary copper smelters and glass manufacturing plants. In addition, EPA proposed not to develop standards for inorganic arsenic emissions from primary lead smelters, secondary lead smelters, primary zinc smelters, zinc oxide production plants, cotton gins, and arsenic chemical manufacturing plants.

Timetable:

Action	Date	FR Cite
NPRM	07/20/83	48 FR 33112
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 1684.

FTS:8-629-5624.

Agency Contact: Linda Chaput, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA41

2856. NESHAPS: BENZENE IN COKE OVENS/BY-PRODUCTS PLANTS

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: This regulation will control benzene emissions generated by the processing of gaseous and liquid streams at coke by-product plants. The emission sources to be controlled include process equipment, storage vessels, and fugitive emissions. The standards will consist of equipment specifications, work practices, design specifications, and emission limits.

Timetable:

Action	Date	FR Cite
NPRM	06/06/84	49 FR 23528
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 1685.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA42

2857. NESHAPS: COKE OVEN EMISSIONS FROM BY-PRODUCT COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL CHARGED BATTERIES (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 G

Abstract: This regulation will control emissions of organic pollutants designated as hazardous under section 112. It will require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards apply to charging, and leaks from doors, lids or offtakes for all existing or new sources.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 1686.

Docket No. A-79-15.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA48

2858. NESHAPS GENERAL PROVISIONS (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 A

Abstract: This action proposes to amend the emission testing, monitoring, and recordkeeping provisions of the

National Emission Standards for Hazardous Air Pollutants. The proposed amendments will eliminate repetition in the subparts and add procedures and criteria to determine if: (1) proposed source changes constitute modification or reconstruction; and (2) equipment and/or procedures meet the relevant standards.

Timetable:

Action	Date	FR Cite
NPRM	06/06/84	49 FR 23568
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 1681.

Docket No. A-130.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA79

2859. NESHAPS: VINYL CHLORIDE (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: EPA has completed its review of the technological basis and administrative aspects of the current standard, which was promulgated in 1976. Conclusions of the review are the basis of (1) proposed administrative and clarifying revisions, (2) announced decisions pertaining to other aspects, and (3) withdrawal of the June 2, l977, proposed revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1182
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 1971.

FTS: 8-629-5671

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, N.C., 27711, **919 541-5578**

RIN: 2060–AB06

2860. NESHAPS: MERCURY (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping, and reporting requirements are warranted. The review assessed the technological basis and administrative aspects of the existing standard. EPA has issued a notice in the Federal Register announcing the results of its review and proposing revisions to the standard.

Timetable:

Action	Date	FR Cite
NPRM	12/26/84	49 FR 50146
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 2137.

FTS:8-629-5578.

Agency Contact: Gilbert H. Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AB44

2861. NESHAPS: ASBESTOS (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: The Agency is analyzing possible changes in the emission standards for asbestos mills and manufacturing operations, and the possible addition of monitoring requirements for these sources. Possible changes in the exemptions for specified demolition and renovation operations in existing standards are also being analyzed. The Agency is considering changes in reporting requirements for demolition and renovation operations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 1714.

FTS 8-629-5601.

Agency Contact: James Crowder, Chief, Standards Support Section, Environmental Protection Agency, Air and Radiation, MD-13, RTP, North Carolina, **919 541-5601**

RIN: 2060–AB51

2862. DECISIONS ON REGULATING VARIOUS AIR POLLUTANTS

Significance: Regulatory Program

Legal Authority: 42 USC 1857 et seq / CAA

CFR Citation: 40 CFR Not yet determined

Abstract: The Agency is reviewing the health effects, sources, emissions to the ambient air, and the public exposure of these pollutants. The Agency will publish the decisions whether these pollutants should be controlled as a specified air pollutant under the Clean Air Act or other regulatory mechanisms in order to protect the public health.

Supplemental Timetable:

Acrylonitrile
Decision on Regulation 06/10/85 (50 FR 24319)

Carbon Tetrachloride
Decision on Regulation 08/13/85 (50 FR 32621)

Chlorobenzenes
Decision on Regulation 07/00/85

Chlorofluorocarbon-113 (F-113)
Decision on Regulation 06/10/85 (50 FR 24313)

Chloroform
Decision on Regulation 09/27/85 (50 FR 39626)

Chromium
Decision on Regulation 06/10/85 (50 FR 24317)

Epichlorohydrin
Decision on Regulation 06/11/85 (50 FR 24575)

Ethylene Dichloride
Decision on Regulation 10/00/85

Ethylene Oxide
Decision on Regulation 10/02/85 (50 FR 40286)

Hexachlorocyclopentadine
Decision on Regulation 10/01/85 (50 FR 40154)

Manganese
Decision on Regulation 08/13/85 (50 FR 32627)

Methyl Cloroform
Decision on Regulation 06/10/85 (50 FR 24314)

Methylene Chloride (Dichloromethane)
Decision on Regulation 09/00/85

Nickel
Decision on Regulation 10/00/85

Perchloroethylene (tetrachloroethylene)
Decision on Regulation 11/00/85

Trichloroethylene
Decision on Regulation 11/00/85

Vinylidene Chloride
Decision on Regulation 08/13/85 (50 FR 32632)

1,3 - Butadiene
Decision on Regulation 10/00/85

Small Entity: No

Additional Information: SAR No. 2161.

FTS 8-629-5655.

Agency Contact: **David Patrick**, Chief, Pollutant Assessment Branch, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060–AB56

2863. NESHAPS: RADIONUCLIDES: URANIUM MILLS

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Abstract: EPA is studying uranium mills and tailings to determine if standards under Section 112 of the CAA are appropriate, and, if so, the format for proposed standards. Methods of control of RN-222 releases will be studies for the active period of mill operation. Other radioactive releases during operation and all releases after closure are controlled by other EPA standards. Information was solicited through an ANPRM on October 31, 1984.

Timetable:

Action	Date	FR Cite
ANPRM	10/31/84	49 FR 43196
NPRM	02/00/86	
Final Action	05/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2217

FTS: 8-557-8977

Analysis: RIA

Agency Contact: **Terrence A. McLaughlin**, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **703 557-8977**

RIN: 2060–AB57

2864. ● NESHAPS: CHROMIUM

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). We are further assessing the public health risks of chromium compounds. Also, we are investigating emissions of chromium and techniques that are available to control the emissions from 11 identified source categories. If EPA decides that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and EPA will develop proposed standards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	
Final Action	11/00/89	

Small Entity: Undetermined

Additional Information: SAR No.2181

FTS: 8-629-5601

Agency Contact: **James Crowder**, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060–AB83

2865. DISPERSION TECHNIQUES IMPLEMENTED BEFORE ENACTMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1970

Legal Authority: 42 USC 7410 / CAA 123; 42 USC 7601(a); 42 USC 7423

CFR Citation: 40 CFR 51

Abstract: These regulations set the requirements for an implemented intermittent control system (ICS). If an operator can show that dispersion techniques implemented before December 31, 1970 meet the ICS requirements then the system can be used to reduce emissions in a State Implementation Plan to meet Federal ambient standards. These regulations are optional for States.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37542
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 1893.

Docket No. A-79-12.

FTS:8-629-5540.

Agency Contact: **Bruce Polkowsky**, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5540**

RIN: 2060–AA49

2866. "GUIDELINE ON AIR QUALITY MODELS" (REVISION)

Significance: Regulatory Program

Legal Authority: CAA 165(e)

CFR Citation: 40 CFR 51.24(l); 40 CFR 52.21(m)

Abstract: This action proposes to revise the "Guideline on Air Quality Models" (issued in April 1978) to reflect changes to the state-of-the-science of modeling and changes to current practice and policies. Revisions to the Guideline were developed in 1980 and public hearings were held. Based on public comments, EPA has conducted studies to resolve some issues. Additional evaluation studies of models, suggested by commenters and performed in accordance with the recommendations of the American Meteorological Society, are underway. Early results of both are now available and should become part of EPA's guidance. The revised guideline should greatly reduce inconsistencies in the development and revision of emission limitations and in the determination of PSD increment consumption. New modeling procedures allow potentially greater accuracy in modeling results and the attainment of clean air goals at less cost.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 1941.

FTS: 8-629-5561.

Docket No. A-80-46.

Agency Contact: **Joseph Tikvart**, Environmental Protection Agency, Air and Radiation, MD-14, Research Triangle Park, N.C. 27711, **919 541-5561**

RIN: 2060–AB13

2867. EMISSION STANDARDS, TEST PROCEDURES AND CAFE EQUIVALENCY FACTORS FOR METHANOL-FUELED NEW MOTOR VEHICLES

Legal Authority: 42 USC 7521 / CAA 202, EPCA 301; 42 USC 7601; 15 USC 2001

CFR Citation: 40 CFR 86; 40 CFR 600

Abstract: This rule will develop emission standards and test procedures applicable to methanol-fueled light-duty vehicles, light-duty trucks, heavy-duty engines, and motorcycles. Current regulations apply only to gasoline-fueled and diesel-powered vehicles. The lack of regulations is a hindrance to the development of methanol-fueled vehicles. This rule will also establish a methanol-gasoline equivalency factor for purposes of corporate average fuel economy calculation and vehicle labeling.

Timetable:

Action	Date	FR Cite
ANPRM	04/10/84	49 FR 14244
NPRM	10/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2112.

FTS: 8-374-4227.

Agency Contact: Mike Gold, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4227**

RIN: 2060–AB28

2868. ◎ HYDROCARBON STANDARDS FOR LIGHT-DUTY TRUCKS (REVISION)

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Abstract: Through this action, EPA will consider the establishment of more stringent hydrocarbon emission standards for light-duty trucks based upon the belief that very cost-effective hydrocarbon control is available from these vehicles. The new standards would be no more stringent than the existing passenger car standard for lighter light-duty trucks and an equivalently stringent standard for heavier light-duty trucks.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/85	
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2287

FTS: 8-374-8496.

Agency Contact: J. Anderson, Environmental Protection Agency, Air and Radiation, (ANR-455), 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060–AB85

2869. IMPORTATION OF MOTOR VEHICLES AND MOTOR VEHICLE ENGINES (REVISION)

Legal Authority: 42 USC 7522 / CAA 203

CFR Citation: 40 CFR 85

Abstract: EPA is considering various options for improving the effectiveness and Administration of EPA's present regulation assessing the importation of nonconforming vehicles. Nonconforming vehicles are ones which have not been demonstrated to conform with Federal emission requirements. The regulatory revision options range from requiring that only certificate holders may import the vehicles (such entitles to bear responsibility for their emission performance) to continuing the approach in the current regulation with various improvements, to elimination of importation of such vehicles (with any minor exceptions), EPA is also considering elimination of any personal use exceptions.

Timetable:

Action	Date	FR Cite
NPRM	07/21/80	45 FR 48812
Supplemental NPRM	09/09/85	50 FR 36838
Final Action	06/00/86	

Small Entity: Yes

Additional Information: SAR No. 1317.

Docket No. EN-79-9.

FTS:8-382-2499.

Agency Contact: Stanley B. Durkee, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, **202 382-2499**

RIN: 2060–AA54

2870. SMALL-VOLUME MANUFACTURERS CERTIFICATION PROCEDURE (REVISION)

Legal Authority: 42 USC 7401 / CAA 206

CFR Citation: 40 CFR 86

Abstract: This action will result in rules to provide for certification of emissions compliance for commercial importers and individuals importing vehicles into the United States. By a separate action, the Manufacturers Operations Division is revising its rules for individual vehicle importation. This action is necessary to provide an appropriate mechanism to import vehicles into the United States under certification regulations and assure their compliance with the exhaust emission standards. Current rules for small-volume manufacturers were not intended to apply to conversion of previously manufactured but uncertified configurations. However, increasingly large numbers of manufacturers who import vehicles for resale have applied for EPA certification as an alternative to individual vehicle importation. This will primarily impact small business organizations involved in importing motor vehicles. The likely impact of these changes will be increased costs to these organizations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	03/00/87	

Small Entity: Yes

Additional Information: SAR No. 2143.

FTS: 8-374-4450.

Analysis: RFA

Agency Contact: Eldert Bontekoe, Environmental Protection Agency, Air and Radiation, ANR-455, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4450**

RIN: 2060–AB54

2871. NONCONFORMANCE PENALTIES FOR 1987 AND LATER MODEL YEAR HEAVY-DUTY ENGINES (HDES), HEAVY-DUTY VEHICLES (HDVS), AND LIGHT-DUTY TRUCKS (LDTS) (PHASE II)

Legal Authority: 42 USC 7527(g) /CAA 206; 42 USC 301(a) /CAA 206

CFR Citation: 40 CFR 86

Abstract: This regulation will be developed apart from the Phase I Nonconformance Penalties. It will provide specific levels of nonconformance penalties and what pollutants they apply to.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	50 FR 35402
Final Action	12/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2233.

FTS: 8-382-2487.

Agency Contact: Robert Montgomery, Environmental Protection Agency, Air and Radiation, (EN-340), Washington, DC 20460, **202 382-2487**

RIN: 2060–AB65

2872. © REMOVAL OF LEAD FROM EPA CERTIFICATION AND TEST FUELS

Legal Authority: 42 USC 7525 /CAA 206

CFR Citation: 40 CFR 86

Abstract: EPA will propose these amendments to require the use of unleaded gasoline in all emissions and

fuel economy testing of gasoline fueled light-duty vehicles, light-duty trucks, motorcycles and heavy-duty engines. EPA believes that leaded fuel is no longer needed for new gasoline fueled vehicles or engines. The proposal is consistent with EPA's desire to eliminate the use of leaded fuel in motor vehicles.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR No. 2290.

FTS: 8-374-8340.

Agency Contact: Peter Hutchins, Environmental Protection Agency, Air and Radiation, (ANR-455), 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4340**

RIN: 2060-AB87

2873. EMISSION PERFORMANCE WARRANTY REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) / CAA 207(b)

CFR Citation: 40 CFR 85

Abstract: This rulemaking will address the issue of establishing: (1) test procedures and standards for heavy-duty gasoline vehicles, (2) new standards for light-duty vehicles and light-duty trucks, and (3) alternative dynamometer loadings for the loaded short tests. These amendments are necessary so that owners of heavy-duty vehicles will have emissions warranty protection and additional owners of light-duty vehicles and trucks will be entitled to warranty protection.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 2136.

FTS: 8-374-4471.

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, ANR-445, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4471**

RIN: 2060-AB53

2874. VOLUNTARY AFTERMARKET PARTS CERTIFICATION REGULATIONS (REVISION)

Legal Authority: 42 USC 7541 /CAA 207(b)

CFR Citation: 40 CFR 85

Abstract: The U.S. Court of Appeals for the D.C. Circuit has directed EPA to amend the aftermarket parts certification regulations. There were four specific areas which the Court directed EPA to revisit. EPA was directed to develop better procedures for determining adequate grounds for manufacturer denial of a warranty claim; reconsider inclusion of specialty parts into the identification system, and improve the procedure for arbitration of warranty cost claims by vehicle manufacturers' against certified parts manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2145

FTS: 8-374-4316

Agency Contact: Mike Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (ANR-455), **313 668-4316**

RIN: 2060-AB58

2875. FUELS AND FUEL ADDITIVES(REVISION)

Legal Authority: 42 USC 7545 / CAA 211

CFR Citation: 40 CFR 79

Abstract: These protocols will help determine effects of fuel and fuel additives on public health and emission control devices. They will ensure that motor vehicle fuels and additives will not harm the public health. They will also ensure that they do not damage emission control devices in motor vehicles.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 1328.

FTS:8-374-4339.

Analysis: RIA

Agency Contact: Richard A. Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060-AA59

2876. FUEL AND FUEL ADDITIVES: PREVENTATIVE ACTION PROGRAM TO PREVENT SELF-SERVE FUEL SWITCHING

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80.22; 40 CFR 80.23

Abstract: This action will develop a "Preventative Action Program" to be used by gasoline retailers to help prevent self-serve fuel switching. Retailers will be afforded an affirmative defense to allegations of "allowing" fuel switching if they have effectively implemented this program. This action would also change the language of the fuel switching regulation to prohibit fuel switching in all vehicles designed to use unleaded gasoline, and not just those that still have an "unleaded only" label or fuel inlet restrictor.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 2215

FTS: 8-382-2633

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2633**

RIN: 2060-AB59

2877. FUEL AND FUEL ADDITIVES: GASOLINE LEAD CONTENT (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80

Abstract: EPA is examining information relevant to a total ban on the use of lead in gasoline. The Agency is considering a set of alternatives ranging from no regulatory action to a ban as soon as January 1, 1988. This rule will have an impact on all refineries, including small refineries. A regulatory flexibility analysis will fully consider

the effect of this action on small entities.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9386
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 2214.

FTS: 8-382-2633.

Analysis: RIA, RFA

Agency Contact: **Richard Kozlowski,** Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2633**

RIN: 2060–AB60

2878. ● FUEL ECONOMY TEST PROCEDURES; ADJUSTMENT TO TEST RESULTS TO ACCOUNT FOR TEST PROCEDURE CHANGES (LIGHT-DUTY TRUCKS)

Legal Authority: 42 USC 2001 / EPCA 301

CFR Citation: 40 CFR 600

Abstract: In January 1982, the United States Court of Appeals for the Sixth Circuit issued an order requiring EPA to initiate rulemaking to establish adjustment factors for the 1980-85 Corporate Average Fuel Economy (CAFE) test results. Adjustments for light-duty vehicles have been finalized. This rule proposes adjustments for light-duty trucks.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27188
Final Action	01/00/86	

Small Entity: No

Additional Information: SAR No. 2289.

FTS: 8-374-8345.

Agency Contact: **Matt Wagner,** Environmental Protection Agency, Air and Radiation, (ANR-455), 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8345**

RIN: 2060–AB86

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA) Existing Regulations Under Review

2879. NAAQS: LEAD

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard.

Timetable:

Action	Date	FR Cite
End Review	07/00/86	

Small Entity: No

Additional Information: SAR No. 1919.

FTS: 8-629-5655

Agency Contact: **Bruce Jordan,** Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060–AA95

2880. NAAQS: OZONE

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard. EPA plans to publish a proposed rule on 02/00/88.

Timetable:

Action	Date	FR Cite
End Review	02/00/87	

Small Entity: No

Additional Information: SAR No. 1920.

FTS: 8-629-5655.

REVIEW AUTHORITY: CAA 109.

Agency Contact: **Bruce Jordan,** Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060–AA96

2881. NSPS: SULFURIC ACID MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart H

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of sulfuric acid plant control systems as well as the experience of the industry and control agencies in implementing the standards. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/83	
End Review	11/00/85	

Small Entity: No

Additional Information: SAR No. 2026.

FTS: 8-629-5601. REVIEW AUTHORITY: CAA 111.

Agency Contact: **James Crowder,** Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060–AB02

2882. NSPS: PRIMARY ALUMINUM REDUCTION PLANTS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is reviewing this item to determine whether revisions are warranted. The review will assess performance and costs of primary aluminum reduction plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/85	
End Review	11/00/86	

Small Entity: No

Additional Information: SAR No. 2264.

FTS: 8-629-5601.

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB36

2883. NSPS: SECONDARY LEAD SMELTERS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is reviewing the standard to determine whether revisions are warranted. The review will assess performance and costs of secondary lead smelter control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/86	
End Review	11/00/87	

Small Entity: Yes

Additional Information: SAR No. 2265.

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB39

2884. NSPS: ASPHALT CONCRETE PLANTS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of control systems and economic and technological developments in the industry. Of particular interest are asphalt recycling plants which in some cases have experienced "blue haze" emissions. The review will seek information to identify and quantify the "blue haze" constituents and assess control techniques.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	11/00/86	

Small Entity: No

Additional Information: SAR No. 2266.

FTS: 8-629-5596.

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5596**

RIN: 2060-AB41

2885. NSPS: SMALL BOILERS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: A Comprehensive study is in progress to determine whether standards should be developed for small boilers. The study will assess performance and costs of control systems. Pollutants being investigated are nitrogen oxides, sulfur dioxide and particulate matter. The study will also determine what the future growth will be for the various sizes and types of boilers.

Timetable:

Action	Date	FR Cite
End Review	10/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2239.

FTS:8-629-5595.

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB69

2886. ● NSPS: COAL PREPARATION PLANTS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of coal preparation plant control systems as well as the experience of the industry and control agencies in implementing the standards. EPA will publish a notice announcing the results of its review.

Timetable:

Action	Date	FR Cite
End Review	09/00/85	

Small Entity: Undetermined

Additional Information: SAR No.2292

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC, 27711, **919 541-5601**

RIN: 2060-AB84

2887. NESHAPS: BERYLLIUM

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: EPA is reviewing the health and technological basis and administrative aspects of the national emission standard for beryllium. EPA will issue a notice in the Federal Register announcing the results of the review.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/81	
End Review	00/00/00	

Small Entity: No

Additional Information: SAR No. 2029.

FTS: 8-629-5595.

REVIEW AUTHORITY: EO 12291.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB07

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA)

Completed Actions

COMPLETED RULEMAKINGS

2888. NAAQS FOR CARBON MONOXIDE (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 50.8

Completed:

Reason	Date	FR Cite
Final Action	09/13/85	50 FR 37484

Small Entity: No

Agency Contact: Bruce Jordan 919 541-5655

RIN: 2060–AA63

2889. NAAQS FOR NITROGEN DIOXIDE (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 50.11

Completed:

Reason	Date	FR Cite
Final Action	06/19/85	50 FR 25532

Small Entity: No

Agency Contact: Bruce Jordan 919 541-5655

RIN: 2060–AA64

2890. STACK HEIGHT REGULATIONS (REVISION)

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
Final Action	07/00/85	50 FR 27872

Small Entity: No

Agency Contact: David Stonefield 919 541-5540

RIN: 2060–AB30

2891. NSPS: NON-METALLIC MINERALS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	08/01/85	50 FR 31328

Small Entity: No

Agency Contact: Doug Bell 919 541-5578

RIN: 2060–AB11

2892. NSPS: WOOL FIBERGLASS INSULATION

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	02/25/85	50 FR 7694

Small Entity: No

Agency Contact: Doug Bell 919 541-5578

RIN: 2060–AB21

2893. NSPS: ON-SHORE PRODUCTION FOR VOLATILE ORGANIC COMPOUNDS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	06/24/85	50 FR 26122

Small Entity: No

Agency Contact: Gilbert Wood 919 541-5578

RIN: 2060–AB26

2894. NSPS: GAS TURBINES (REVISION)

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Withdrawn Postponed indefinitely	08/00/85	

Small Entity: No

Agency Contact: Kenneth Durkee 919 541-5595

RIN: 2060–AB43

2895. NSPS: FIRED PROCESS HEATERS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Withdrawn Postponed idefinitely	08/00/85	

Small Entity: No

Agency Contact: James Crowder 919 541-5601

RIN: 2060–AB45

2896. NESHAPS: RADIONUCLIDES: UNDERGROUND URANIUM MINES

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	04/17/85	50 FR 15386

Small Entity: No

Agency Contact: Terrence A. McLaughlin 703 557-8977

RIN: 2060–AB62

2897. NONCONFORMANCE PENALTIES FOR 1985 MODEL YEAR HEAVY-DUTY ENGINES (HDES)(PHASE I)

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	08/30/85	50 FR 35374

Small Entity: No

Agency Contact: Robert Montgomery 202 382-2500

RIN: 2060–AA56

2898. NONCONFORMANCE PENALTIES FOR LIGHT-DUTY TRUCKS (PHASE I)

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	08/30/85	50 FR 35374

Small Entity: Undetermined

Agency Contact: Robert Montgomery 202 382-2500

RIN: 2060–AA58

2899. NONCONFORMANCE PENALTIES FOR 1985 MODEL YEAR HEAVY-DUTY ENGINES (HDES) (PHASE II)

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN:2060-ab65	08/00/85	

Small Entity: No

Agency Contact: Robert Montgomery 202 382-2500

RIN: 2060–AB64

EPA—CAA

Completed Actions

2900. FUEL ECONOMY TEST PROCEDURES; PROPOSED PROCEDURES FOR ADJUSTMENT TO TEST RESULTS TO ACCOUNT FOR TEST PROCEDURE CHANGES

CFR Citation: 40 CFR 600

Completed:

Reason	Date	FR Cite
Final Action	07/01/85	50 FR 27172

Small Entity: No

Agency Contact: Joseph Whitehead 313 668-4403

RIN: 2060–AB19

COMPLETED REVIEWS

2901. REVIEW OF INFORMATION REQUIREMENTS IN THE NEW SOURCE PERFORMANCE STANDARDS (NSPS) PROGRAM

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
End Review	05/00/85	

Small Entity: No

Agency Contact: James Daley 202 382-2743

RIN: 2060–AB25

2902. NSPS: AMMONIUM SULFATE MANUFACTURE

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
End Review	05/00/85	

Small Entity: No

Agency Contact: James Crowder 919 541-5601

RIN: 2060–AB34

2903. VISIBILITY PROTECTION FOR FEDERAL CLASS I AREAS

Significance: Regulatory Program

CFR Citation: 40 CFR 51

Completed:

Reason	Date	FR Cite
End Review	06/00/85	

Small Entity: No

Agency Contact: Bruce Polkowsky 919 541-5540

RIN: 2060–AB82

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Superfund (CERCLA)

Current and Projected Rulemakings

2904. ADJUSTMENT OF REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES IDENTIFIED AS POTENTIAL CARCINOGENS AND CHRONICALLY TOXIC SUBSTANCES (REVISION)

Legal Authority: 42 USC 9602 / CERCLA 102; 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 302

Abstract: EPA has developed proposed determinations of reportable quantities under Section 102 of CERCLA that trigger the notification requirements of Section 103 of CERCLA. This rule will amend the regulation on Determination of Reportable Quantities for Hazardous Substances (40 CFR 302) to adjust the reportable quantities for hazardous substances identified as potential carcinogens and chronically toxic substances. This rule will also amend 40 CFR 117.3 to make these applicable CWA 311 (b).

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 2104. For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan D.C. (382-3000).

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, **202 382-3000**

RIN: 2050–AA80

2905. ● ADJUSTMENTS OF REPORTABLE QUANTITIES OF 105 HAZARDOUS SUBSTANCES

Legal Authority: 42 USC 9602 / CERCLA 102; 42 USC 9603 / CERCLA 103

CFR Citation: 40 CFR Not yet determined

Abstract: This rule amends the regulation on Notification of Release of Hazardous Substances and Determination of Reportable Quantities to adjust reportable quantity determinations of 105 substances already listed pursuant to the statutes listed in CERLA Section 101(14). That section defines any substance listed pursuant to specified statute as hazardous for purposes of CERCLA Section 102 reportable quantity determinations.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13514
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 2291.

382-3000

Analysis: RFA

Agency Contact: Jack Kooyoomjian, Environmental Engineer, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-3000**

RIN: 2050–AB48

2906. ● NOTIFICATION OF CONTINUOUS RELEASE OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102; 42 USC 9603 / CERCLA 103

CFR Citation: 40 CFR 304

Abstract: Section 103(a) requires that persons notify the National Response Center of releases of hazardous substances. Section 103(f) provides an exemption to these reporting requirements. EPA is developing regulations that will clarify Agency policy regarding notification of

continuous releases of designated hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 1642C.

FTS 8-382-3000

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, WH 548B, Washington, DC 20460, **202 382-3000**

RIN: 2050–AA46

2907. ● DESIGNATION OF ADDITIONAL HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITY ADJUSTMENTS

Legal Authority: 42 USC 9602 / CERCLA 102

CFR Citation: 40 CFR 302; 40 CFR Not yet determined

Abstract: Section 102 of the Act requires EPA to designate hazardous substances which may present substantial danger to the public health or welfare or the environment if released into the environment. EPA is developing this regulation to officially designate as hazardous, substances which are listed or considered hazardous under CWA 307, 311; RCRA 3001; CAA 112; TSCA 7; and CERCLA 102(a). At the same time this regulation will propose adjustments to the statutory one pound reportable quantity for the designated substances.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	08/00/87	

Small Entity: Yes

Additional Information: SAR No. 1642a.

FTS-382-3000

Agency Contact: Jack Kooyoomjian, Environmental Engineer, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548B, **202 382-3000**

RIN: 2050–AB50

2908. AMENDMENTS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Significance: Regulatory Program

Legal Authority: 33 USC 1321 / CWA 311; 42 USC 9605 / CERCLA 105

CFR Citation: 40 CFR 300.61

Abstract: These revisions will streamline the National Contingency Plan (NCP). This regulation will add provisions for consideration of community relations, address the use of environmental standards for determining appropriate response actions, clarify authorities and responsibilities of officials and Agencies involved in response.The agency is also considering different ways to advise the public of the status of Federal clean-up efforts at Federally-owned sites.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 5862
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2065.

FTS-8-382-2182.

Agency Contact: James Lounsbury, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548D), Washington, DC 20460, **202 382-2182**

RIN: 2050–AA75

2909. NATIONAL PRIORITIES LIST (NPL) (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 9605(8)(B) / CERCLA 105(8)(B)

CFR Citation: 40 CFR 300.66

Abstract: This action revises the National Priorities List in the National Contingency Plan. CERCLA requires that the National Priorities List be revised at least annually. Periodic revisions will allow EPA to include serious releases of hazardous substances identified as a result of site inspection programs and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
Final Action First NPL Update(final)	09/21/84	49 FR 37070
NPRM Second NPL Update(NPRM)	10/15/84	49 FR 40320
NPRM Third NPL Update(NPRM)	04/10/85	50 FR 14115
NPRM Fourth NPL UPDATE (NPRM)	09/00/85	
Final Action Second NPL Update(final)	12/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2077.

FTS: 8-382-8103.

Agency Contact: Hal Snyder, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-8103**

RIN: 2050–AA79

2910. NATURAL RESOURCE CLAIMS PROCEDURE

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 306

Abstract: This action prescribes the procedures and circumstances under which natural resources claims may be presented to the Fund to recover the costs of restoration, rehabilitation, replacement or obtaining the equivalent of a damaged natural resource.

Timetable:

Action	Date	FR Cite
NPRM	03/08/85	50 FR 9586
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 1642D.

FTS:8-382-2184.

Analysis: RIA 00/00/00

Agency Contact: William Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-4645**

RIN: 2050–AA48

2911. RESPONSE CLAIMS PROCEDURES

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 307

Abstract: This action prescribes the procedures and circumstances under which claims may be presented to the FUND to recover the costs of cleanup. The allowable claims and necessary response costs uncovered by a party, other than the government, in carrying out the National Contingency Plan are identified in this regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	12/00/86	

Small Entity: No

Additional Information: SAR No. 2160.

FTS: 8-382-4645.

Agency Contact: William Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-4645**

RIN: 2050-AA90

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Superfund (CERCLA) Completed Actions

COMPLETED RULEMAKINGS

2912. NOTIFICATION OF RELEASE OF HAZARDOUS SUBSTANCES AND DETERMINATION OF REPORTABLE QUANTITIES

Significance: Regulatory Program

CFR Citation: 40 CFR 302

Completed:

Reason	Date	FR Cite
Final Action	04/04/85	50 FR 13455

Small Entity: No

Agency Contact: Jack Kooyoomjian 202 382-2814

RIN: 2050-AB55

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—General Current and Projected Rulemakings

2913. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS (REVISION)

Legal Authority: 5 USC 552; 42 USC 9604

CFR Citation: 40 CFR 2

Abstract: This action would make changes in EPA's procedures for handling requests under the Freedom of Information Act. It also adds a new section on procedures for treating confidential information under CERCLA. EPA will also modify its existing procedures for handling confidential information under RCRA.

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	50 FR 32952
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1791.

FTS:8-382-5460.

Agency Contact: Jane Roemer, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132 G), Washington, DC 20460, **202 382-5460**

RIN: 2020-AA03

2914. NONDISCRIMINATION ON THE BASIS OF HANDICAP FOR PROGRAMS CONDUCTED BY EPA

Legal Authority: 42 USC 794 / Rehabilitation Act 504

CFR Citation: 40 CFR 12

Abstract: The proposed regulation will provide for EPA's compliance with Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of handicap in the Agency's programs and activities. It will make the Agency's offices accessible to handicapped persons, and effect the necessary changes in the Agency's employment practices.

Timetable:

Action	Date	FR Cite
NPRM	05/06/85	50 FR 19136
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2049.

FTS: 8-382-4567.

Agency Contact: Nereid Maxey, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2020-AA05

2915. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANT FROM THE EPA(REVISION)

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/01/81	46 FR 2306
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 2218

FTS: 8-382-4567

Agency Contact: Nereid Maxey, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2020-AA07

2916. ● PUBLIC INFORMATION REGULATIONS: COLLECTION OF FEES

Legal Authority: 5 USC 552/ Freedom of Information Act

CFR Citation: 40 CFR 2

Abstract: This action modifies EPA procedures on collection of fees under the Freedom of Information Act to reinstate procedures that were in effect to March 17, 1983.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/15/85	50 FR 32950
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 2286. FTS:8-382-5460

Agency Contact: Jane Roemer, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2020-AA09

2917. AMENDING NEPA PROCEDURES RELATING TO WASTEWATER CONSTRUCTION GRANTS (REVISION)

Legal Authority: 42 USC 4321 / NEPA

CFR Citation: 40 CFR 6 E

Abstract: This action will revise EPA's NEPA implementation procedures relating to wastewater treatment construction grants. It will make them consistent with the amendments for simplifying the construction grants regulations (see SAR No. 1722) and the 1981 Municipal Wastewater Treatment Construction Grant Amendments (P.L. No. 97-117).It will also make minor changes to the NEPA procedures that apply to other EPA programs.

Timetable:

Action	Date	FR Cite
NPRM	01/07/83	48 FR 1012
Interim Final Rule	06/25/85	50 FR 26310
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1835.

FTS:8-382-5910.

Agency Contact: John Gerba, Environmental Protection Agency, Office of the Administrator, (A-104), Washington, DC 20460, **202 382-5910**

RIN: 2090-AA04

2918. EMISSIONS TRADING POLICY (REVISION)

Legal Authority: 42 USC 7503 / CAA 110

CFR Citation: Not applicable

Abstract: EPA is refining the emissions trading policy governing the use of the bubble, emission offsets, netting, and emission reduction banking. This final policy and accompanying Technical Issues Document will provide states with a framework for incorporating emissions trading activities into their state implementation plans. Through the use of emissions trading industry can substitute more controls where costs are low for less control where costs are high. The final policy will clarify requirements and procedures based on experience under the 1982 interim policy -- particularly regarding baselines and modeling for bubbles, as well as bubbles in nonattainment areas with inadequate demonstrations.

Timetable:

Action	Date	FR Cite
Proposed Policy	04/07/82	47 FR 15076
Reproposed Policy	08/31/83	48 FR 39580
Final Policy	02/00/86	

Small Entity: No

Additional Information: SAR No. 1605.

Docket No. G-81-2.

FTS:8-382-2727.

Agency Contact: Indur Goklany, Environmental Protection Agency, Policy Planning and Evaluation, (PM-223), Washington, DC 20460, **202 382-2715**

RIN: 2010-AA08

2919. SECTION 404 STATE PROGRAM REGULATIONS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 / CWA 404

CFR Citation: 40 CFR 124; 40 CFR 232; 40 CFR 233

Abstract: Under Section 404(g) of the Clean Water Act, EPA is responsible for approving and overseeing assumption of the 404 "dredge and fill" program by States. In response to comments from the States, EPA is revising its State program regulations (formerly part of the Consolidated Permit Regulations), to provide increased incentives and simplified procedures for State assumption of the Section 404 program.

Timetable:

Action	Date	FR Cite
NPRM	10/02/84	49 FR 39012
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1973.

FTS: 8-382-5043.

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Office of the Administrator, (A-104), Washington, DC 20460, **202 382-5043**

RIN: 2030-AA00

2920. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will establish the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. Prior to 1983, we have taken only one 404(c) action. Since that time, we have initiated eight such actions. In the preamble to the 404(c) regulations, we indicated that we would do an evaluation of these regulations within four years of the effective date. We delayed this evaluation in order to carefully consider our recent experiences with these regulations. This review is completed, and we plan to revise the regulations to reflect our findings.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 2196

FTS: 8-382-5043

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Administration and Resource Management, (A-104), Washington, DC 20460, **202 382-5043**

RIN: 2030–AA05

2921. REGULATIONS FOR THE FEDERAL CLAIMS COLLECTION ACT

Legal Authority: 31 USC 3711

CFR Citation: 40 CFR 13

Abstract: These regulations will set standards for EPA's debt collection actions under the Federal Claims Collection Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: SAR No. 1825.

FTS: 8-382-5113.

Agency Contact: Joe Dillon, Environmental Protection Agency, General Counsel and Enforcement Counsel, (A-134), Washington, DC 20460, **202 382-5113**

RIN: 2020–AA01

2922. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552 / Freedom of Information Act ; 7 USC 136h / FIFRA 10

CFR Citation: 40 CFR 2.307

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 2195

FTS: 8-382-5460

Agency Contact: Jane Roemer, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2020–AA06

2923. CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION OF SUSPENSION OF PERMITS

Legal Authority: 7 USC 136; 42 USC 7545; 42 USC 7601

CFR Citation: 40 CFR 22

Abstract: This action is designed to make minor amendments to the Agency's Consolidated Rules of Practice. These amendments may include a period for public notice and comment after the filing of administrative consent decrees, changing the recipient of administrative civil penalties to the Financial Management Division, and requiring respondents to provide information on their ability to pay civil penalties. Other amendments will be solicited.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2216

FTS: 8-475-8783

Agency Contact: Winston Haythe, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-130A), Washington, DC 20460, **202 475-8783**

RIN: 2020–AA08

ENVIRONMENTAL PROTECTION AGENCY (EPA)—General Completed Actions

COMPLETED RULEMAKINGS

2924. LIST OF VIOLATING FACILITIES (REVISION)

CFR Citation: 40 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	09/05/85	50 FR 36188

Small Entity: No

Agency Contact: Allen Danzig 202 475-8785

RIN: 2060–AB17

[FR Doc. 85-24783 Filed 10-28-85; 8:45 am]

BILLING CODE 6560-50-T

Federal Register

Tuesday
October 29, 1985

Part XXI

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EEOC

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its semiannual regulatory agenda pursuant to Executive Order No. 12291, 3 CFR Part 127 (1981 Compilation) and the Regulatory Flexibility Act, 5 U.S.C. Chapter 6. The Agenda contains all regulations which are scheduled for review or development during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Richard V. Roscio, Acting Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20507; telephone (202) 634-6592.

SUPPLEMENTARY INFORMATION: The Commission has identified fifteen current and projected rulemakings for inclusion in the agenda. Also listed are six regulatory items which are under review. One new item was added to the agenda since the last semiannual Agenda was published and which is currently under review.

Signed in Washington, D.C. this 17th day of September, 1985.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2925	Uniform Guidelines on Employee Selection Procedures	3046-AA00
2926	Collection of Applicant Data for Affirmative Action Purposes	3046-AA05
2927	Equal Employment Opportunity in the Federal Government; Remedial Relief under Section 717	3046-AA06
2928	The Equal Pay Act Interpretations	3046-AA07
2929	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
2930	Equal Employment Opportunity in the Federal Government	3046-AA13
2931	Equal Employment Opportunity in the Federal Government	3046-AA14
2932	Equal Employment Opportunity in the Federal Government	3046-AA15
2933	Equal Employment Opportunity in the Federal Government	3046-AA16
2934	Equal Employment Opportunity in the Federal Government	3046-AA17
2935	Interpretative Bulletin on Employee Benefit Plans	3046-AA18
2936	Substantive Regulations on Health Insurance Benefits for Employees Age 65 to 69	3046-AA19
2937	Enforcement of Nondiscrimination on the Basis of Handicap in Equal Employment Opportunity Commission Programs	3046-AA20
2938	Coverage of Apprenticeship Programs under the Age Discrimination in Employment Act	3046-AA21
2939	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22
2940	Administrative Exemption Allowing for Waivers Under the ADEA	3046-AA28

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
2941	Recordkeeping Regulations	3046-AA03
2942	Equal Employment Opportunity in the Federal Government	3046-AA11
2943	Equal Employment Opportunity in the Federal Government	3046-AA12
2944	Equal Employment Opportunity in the Federal Government	3046-AA23
2945	Uniform Guidelines on Employee Selection Procedures	3046-AA24

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Current and Projected Rulemakings

2925. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping.

48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is currently reviewing the comments and is considering further action. On June 12, 1984, the Commission voted to prepare an NPRM concerning certain UGESP recordkeeping requirements. Prior to publication for comment, co-signatories to UGESP will engage in discussion of recommended changes and other affected agencies will be consulted under E.O. 12067.

Timetable:

Action	Date	FR Cite
End Review	05/00/85	
NPRM	02/00/86	

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under the overall RIN 3046-AA25.

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA00

2926. COLLECTION OF APPLICANT DATA FOR AFFIRMATIVE ACTION PURPOSES

Legal Authority: 29 USC 791 Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1613.706

Abstract: This amendment permits federal agencies to collect handicap information from applicants for employment in order to implement and evaluate special recruitment programs undertaken for affirmative action purposes. Implementation of the final regulation is dependent on the development of an interagency report form which is in the process of being developed by OPM with the approval of OMB.

Timetable:

Action	Date	FR Cite
Interim Guidelines		46 FR 11285
Interim Guidelines effective	02/06/81	
Written Comment Period expired	04/07/81	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Clayton G. Boyd, Director, Equal Employment Opportunity Commission, Handicapped Individuals Program Division, Office of Program Operations, **202 634-6753**

RIN: 3046-AA05

2927. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; REMEDIAL RELIEF UNDER SECTION 717

Legal Authority: 42 USC 2000e-16 Section 717 of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1613

Abstract: Proposed amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant. Final regulations have been approved by the Commission and are in interagency coordination pursuant to Executive Order 12067. Changes to the Final regulations as a result of the interagency coordination are now being drafted.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/80	45 FR 24130
Interim Regulations effective	04/11/80	
In Interagency Coordination	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA06

2928. THE EQUAL PAY ACT INTERPRETATIONS

Significance: Regulatory Program

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 201 et seq Fair Labor Standards Act of 1938, as amended; 29 USC 255 Portal-to-Portal Act of 1947

CFR Citation: 29 CFR 1620.1 to 1620.18

Abstract: The Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issued by the Department of Labor which appear at 29 CFR Part 800.

Timetable:

Action	Date	FR Cite
Previous NPRM	09/01/81	46 FR 43848
Comment Period for Prev. NPRM ended	11/02/81	
Interim Final Rule	06/00/86	

Small Entity: Undetermined

Additional Information: Interagency Coordination will occur under E.O. 12067 before final publication in Federal Register.

Government Levels Affected: Local, State, Federal

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA07

2929. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under E.O. 12067, DOJ under E.O. 12250, and from OMB under E.O. 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250. Technical amendments are being coordinated with affected Federal agencies.

Timetable:

Action	Date	FR Cite
Technical Amendments	00/00/00	

Small Entity: No

Agency Contact: **Robert Walker,** Acting Asst. Legal Counsel for Coordination, Equal Employment Opportunity Commission, Coordination and Guidance, Office of Legal Counsel, **202 634-7581**

RIN: 3046–AA10

2930. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Development of interim procedural regulations for the Federal sector requiring that all allegations of reprisal discrimination be processed as regular complaints. Staff draft transmitted to Federal agencies for comments, Sept. 1982.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	05/02/83	48 FR 19705
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Douglas J. Bielan,** Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6753**

RIN: 3046–AA13

2931. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Development of interim procedural regulations for processing complaints of discrimination about personnel actions which are appealable to the Merit Systems Protection Board (mixed case complaints). Final Rule under development.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	05/02/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Douglas J. Bielan,** Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6753**

RIN: 3046–AA14

2932. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Development of interim procedural regulations for administratively appealing decisions on grievances where an allegation of discrimination has been raised. Staff draft transmitted to Federal agencies for comments, Sept. 1982.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/21/82	
Interim Final Rule	05/02/83	48 FR 19707
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Douglas J. Bielan,** Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6753**

RIN: 3046–AA15

2933. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Significance: Regulatory Program

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 204(f) Fair Labor Standards Act of 1938, as amended; 29 USC 206(d) Fair Labor Standards Act of 1938, as amended

CFR Citation: 29 CFR 1613

Abstract: Development of procedural regulations for processing Federal sector complaints filed under the Equal Pay Act. Under development.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under overall RIN 3046-AA26.

Agency Contact: **Nicholas M. Inzeo,** Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, Office of Legal Counsel, **202 634-6592**

RIN: 3046–AA16

2934. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Significance: Regulatory Program

Legal Authority: 42 USC 2000e-16 Sec 717 of Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act; 5 USC 7121 Civil Service Reform Act of 1978

CFR Citation: 29 CFR 1613

Abstract: The proposed notice of rule making is intended to address the processing of federal sector EEO appeals on the questions of finality, requests to reopen, compliance with, enforcement of, and clarity of Commission decisions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under overall RIN

3046-AA26.

Agency Contact: **Robbie Dix**, Director, Appeals Division, Equal Employment Opportunity Commission, Office of Review and Appeals, **703 756-6090**

RIN: 3046-AA17

2935. INTERPRETATIVE BULLETIN ON EMPLOYEE BENEFIT PLANS

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.10

Abstract: Comprehensive review of interpretations dealing with costs and benefits under employee benefit plans. The Commission is focusing particularly on interpretations on post normal retirement age pension accruals.

Timetable:

Action	Date	FR Cite
Publication of Request for Comments	09/15/83	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: **Richard V. Roscio**, Acting Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA18

2936. SUBSTANTIVE REGULATIONS ON HEALTH INSURANCE BENEFITS FOR EMPLOYEES AGE 65 TO 69

Legal Authority: 29 USC 621 et seq Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625

Abstract: Implement Section 4(g) of the Age Discrimination in Employment Act of 1967, as amended, which was enacted by section 116(a) of the Tax Equity and Fiscal Responsibility Act of 1982; and as further amended by the Deficit Reduction Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/83	48 FR 26434
Begin Review	08/06/83	48 FR 26434
End Review	10/31/83	
Final Action	10/00/85	

Small Entity: No

Agency Contact: **Richard V. Roscio**, Acting Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA19

2937. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PROGRAMS

Legal Authority: 29 USC 794 Section 504, Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1615

Abstract: This regulation was approved by the Commission on February 28, 1984. It was submitted to the Department of Justice for review. If it is approved, it will later be published in the Federal Register.

Timetable:

Action	Date	FR Cite
Commission considers Regulations	02/28/84	
Justice Department considers Regulation	00/00/00	
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: **Robert Walker**, Acting Asst. Legal Counsel for Coordination, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA20

2938. COVERAGE OF APPRENTICESHIP PROGRAMS UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.13; 29 CFR 1625.21

Abstract: The Department of Labor on January 9, 1969, published an interpretative guideline which provided that apprenticeship programs were not covered by the ADEA. On July 1, 1979, the Commission assumed responsibility and authority for enforcement of the ADEA. On September 29, 1981, the Commission republished the Department of Labor's guideline, 29 CFR 1625.13. After an exhaustive review of the ADEA and its legislative history, the Commission proposes to rescind 29 CFR 1625.13, as it presently exists, and promulgate a substantive rule providing that apprenticeship programs are covered by the ADEA. The extension of ADEA coverage to apprenticeship programs is consistent with the purpose of the Act. It will allow those forty years of age and older the same opportunities to participate in apprenticeship programs as are currently enjoyed by younger individuals.

Timetable:

Action	Date	FR Cite
OMB Review under E.O. 12291 Proposed Regulation sent to OMB for review under E.O. 12291	07/13/84	
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: **Richard V. Roscio**, Acting Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, **202 634-6592**

RIN: 3046-AA21

2939. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they do wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	06/00/85	
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Richard V. Roscio, Acting Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, **202 634-6592**

RIN: 3046-AA22

2940. ● ADMINISTRATIVE EXEMPTION ALLOWING FOR WAIVERS UNDER THE ADEA

Legal Authority: 29 USC 621 et seq Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1627.16(C)

Abstract: The Commission proposes to adopt a rule allowing non-EEOC supervised waivers and releases of private rights as an exemption to the provisions of Section 7 of the ADEA for any waiver of rights or release from liability by an employer or job applicant under the ADEA that is voluntary and knowing.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Richard V. Roscio, Acting Assistant Legal Counsel, Equal Employment Opportunity Commission, Office of Legal Counsel, Legal Services, 2401 E Street, NW, Washington, DC 20507, **202 634-6592**

RIN: 3046-AA28

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) Existing Regulations Under Review

2941. RECORDKEEPING REGULATIONS

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1602

Abstract: The Commission proposes to revise its recordkeeping regulations to require certain employers and labor unions to maintain lists of applicants for employment and to retain employment records for two years or until termination of a Commission or court processing. The Commission is considering further revisions to the proposed amendments as the result of a study on the feasibility of a uniform government-wide equal opportunity recordkeeping regulation. The study on the feasibility of a uniform government-wide EEO regulation is complete and will require further consideration by staff. Commission action on UGESP will require staff to evaluate impact of proposed regulations on 1602 recordkeeping.

Timetable:

Action	Date	FR Cite
NPRM	07/25/78	43 FR 32280
NPRM Comment Period End	09/21/78	
Public Hearing	09/21/78	
Record closed	10/01/78	
End Review	12/00/85	
Final Action	10/00/86	

Small Entity: Yes

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA03

2942. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Significance: Agency Priority

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under overall RIN 3246-AA26.

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA11

2943. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Significance: Regulatory Program

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Comprehensive revision of regulations on affirmative action in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA12

2944. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Significance: Regulatory Program

Legal Authority: 29 USC 701 et seq Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1613.701 et seq

Abstract: Definitional revisions will eliminate improper processing of matters more appropriately processed pursuant to other regulations and/or procedures.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Robbie Dix**, Director, Appeals Division, Equal Employment Opportunity Commission, Office of Review and Appeals, **703 756-6090**

RIN: 3046–AA23

2945. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	00/00/00	

Small Entity: No

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00 Uniform Guidelines on Employee Selection Procedures.

It is included in the Regulatory Program of the United States under overall RIN 3046-AA25.

Agency Contact: **Nicholas M. Inzeo**, Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, Office of Legal Counsel, **202 634-6592**

RIN: 3046–AA24

[FR Doc. 85-23421 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XXII

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period October 1, 1985 to October 1, 1986.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street, S.W., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: For general information contact William L. Harding, Assistant General Counsel, Legislation and Regulations, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646-4096. For additional information about a specific regulation contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 602 and 605.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601 *et seq.*, this agenda describes current and projected regulations, and regulations which will be under review during the period October 1, 1985 to October 1, 1986. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda published April 29, 1985 at 50 FR 17862.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations.

DATED: August 27, 1985.

George Jett,

General Counsel.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
2946	Nondiscrimination in Federally-Assisted Programs	3067-AA00
2947	Part 205 - Federal Disaster Assistance (PL 93-288, Subpart M - Hazard Mitigation)	3067-AA13
2948	Nondiscrimination on the Basis of Handicap in FEMA	3067-AA42
2949	Federal Disaster Assistance Sub-Part E Public Assistance	3067-AA53
2950	Procedures for Flood Insurance Map Changes	3067-AA58
2951	Flood Insurance Policy Coverage and Rate Changes	3067-AA62
2952	Criteria for Recognition of Flood Protection Structures on Flood Insurance Maps	3067-AA63
2953	Individual and Family Grant Program	3067-AA64
2954	Duplication of Benefits	3067-AA65
2955	Civil Defense: State and Local Emergency Management Assistance Programs (EMA)	3067-AA66
2956	Radiological Protection Program	3067-AA67
2957	Population Protection Planning Program	3067-AA68
2958	Uniform Relocation Assistance	3067-AA69
2959	State Assistance Programs for Training and Education in Comprehensive Emergency Management	3067-AA70
2960	Temporary Relocation Assistance - Superfund	3067-AA72
2961	National Flood Insurance Program Changes	3067-AA79
2962	State Cost Share Criteria for Superfund Relocations	3067-AA83
2963	Permanent Relocation Assistance	3067-AA84
2964	Disaster Assistance: the Declaration Process	3067-AA85
2965	Temporary Housing Assistance	3067-AA86
2966	Audit of State and Local Governments	3067-AA88
2967	Project Administration	3067-AA89
2968	Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	3067-AA90
2969	Reimbursement of Other Federal Agencies	3067-AA92
2970	Fire Suppression Assistance	3067-AA93
2971	Civil Defense: State and Local Emergency Management Assistance (EMA)	3067-AA94

FEMA

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
2972	Preservation of the Mobilization Base Through the Placement of Procurement and Facilities in Labor Surplus Areas	3067-AA32
2973	Policy Guidance and Delegation of Authorities for Use of Priorities and Allocations to Maximize Domestic Energy Supplies	3067-AA33
2974	Use of Priorities and Allocation Authority for Federal Supply Classification (FSC) Common Use Items (DMO-12)	3067-AA34
2975	General Policies for Strategic and Critical Materials Stockpiling (DMO-11)	3067-AA35
2976	Policy on Use of Government-Owned Industrial Plant Equipment by Private Industry (DMO-10A)	3067-AA36
2977	Policy Guidance for a National Emergency Blood Program	3067-AA37
2978	Emergency Health and Medical Occupations	3067-AA38
2979	National Security Policy Governing Scientific and Engineering Manpower (DMO-5)	3067-AA43
2980	Guidance on Priority Use of Resources in Immediate Post Attack Period (DMO-4)	3067-AA44
2981	Defense Production Priorities and Allocations Authority	3067-AA45
2982	Maintenance of the Mobilization Base	3067-AA46
2983	Dispersion and Protective Construction: Policy, Criteria Responsibilities (DMO-1)	3067-AA47
2984	Contributions for Civil Defense Equipment	3067-AA48
2985	Review and Approval of State and Local Emergency Response Plans	3067-AA76
2986	Radiological Emergency Planning and Preparedness	3067-AA77

Completed Actions

Sequence Number	Title	Regulation Identifier Number
2987	Federal Disaster Assistance - Subpart N Coastal Barrier Resources Act	3067-AA24
2988	Flood Plain Management Criteria for Flood-Prone Areas	3067-AA57
2989	Flood Insurance Program Arrangements With Insurance Industry	3067-AA60
2990	Federal Acquisition Regulations	3067-AA71
2991	Implementation of Privacy Act	3067-AA73
2992	Production or Disclosure of Information	3067-AA74
2993	Reimbursement for Engineering Review of Proposed Projects to Remove Property from Flood Hazard Area Delineation	3067-AA75
2994	Standards of Conduct	3067-AA78
2995	Riot Reinsurance Program	3067-AA80
2996	Crime Insurance Program	3067-AA81
2997	Federally Assisted Construction	3067-AA82
2998	Federal Disaster Assistance	3067-AA87
2999	Federal Disaster Assistance - Subpart H	3067-AA91

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Current and Projected Rulemakings

2946. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975 and section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The Notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	12/01/85	
Final Action	01/01/86	
Final Action Effective	01/03/86	

Small Entity: No

Agency Contact: John J. Brosnahan, Director, Office of Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4121

RIN: 3067-AA00

2947. PART 205 - FEDERAL DISASTER ASSISTANCE (PL 93-288, SUBPART M - HAZARD MITIGATION)

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205.400

Abstract: The proposed rule revision clarifies the hazard mitigation provisions of the Disaster Relief Act of

1974 by specifying general plan requirements and guidelines as well as other procedural requirements. The Hazard Mitigation Requirement is intended to serve as an aid to State and local governments in developing an overall mitigation program to minimize the costs of natural disasters.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Laurence W. Zensinger, Acting Chief, Hazard Mitigation Branch, Federal Emergency Management Agency, Disaster Assistance Programs, Room 713, 500 C Street, SW, Washington, DC 20472, **202 646-3681**

RIN: 3067-AA13

2948. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEMA

Legal Authority: 29 USC 794

CFR Citation: 44 CFR 16

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of section 504 of the Rehabilitation Act of 1973, as amended in 1978 to include activities conducted directly by Federal agencies. A draft regulation has been prepared and submitted to the Department of Justice and the Equal Employment Opportunity Commission for review.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	12/01/85	
Final Action	01/01/86	
Final Action Effective	03/01/86	

Small Entity: No

Agency Contact: John J. Brosnahan, Director, Office of Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4121**

RIN: 3067-AA42

2949. FEDERAL DISASTER ASSISTANCE SUB-PART E PUBLIC ASSISTANCE

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205.70 et seq

Abstract: This proposed rule makes changes in the FEMA disaster assistance regulations implementing the Disaster Relief Act of 1974 (PL 93-288). Changes are made in the eligibility of costs of public assistance to State and local governments. This is being done in recognition of the commitment to the disaster effort now being made by applicants in the form of cost sharing of eligible costs.

Timetable:

Action	Date	FR Cite
NPRM	02/03/84	49 FR 4222
NPRM Comment Period Begin	02/03/84	
NPRM Comment Period End	06/04/84	
NPRM	09/30/85	
NPRM Comment Period Begin	09/30/85	
NPRM Comment Period End	11/30/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Charles B. Stuart, General Engineer, Public Assist. Division, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3691**

RIN: 3067-AA53

2950. PROCEDURES FOR FLOOD INSURANCE MAP CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 65; 44 CFR 70

Abstract: Certain procedures for map changes need to be clarified and set forth as rules. These procedures are for revising maps under 44 CFR 65 and 44 CFR 70 and for permitting communities to revise regulatory floodways.

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	
NPRM Comment Period Begin	03/03/86	
NPRM Comment Period End	05/02/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 **646-3419**

RIN: 3067-AA58

2951. FLOOD INSURANCE POLICY COVERAGE AND RATE CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61; 44 CFR 64; 44 CFR 66; 44 CFR 70; 44 CFR 75

Abstract: As a result of a continuing reappraisal of the National Flood Insurance Program, coverage changes will bring the insurance contract more in line with property insurance policies in the private sector, make the program more responsive to victims of catastrophe flood loss and promote fiscal soundness. There will be an increase in emergency program rates and in the minimum premium. Co-insurance will be implemented for risks incurring repetitive losses. Flood-risk zone designations on flood insurance rate maps will be revised for consistency with the existing rate tables.

Timetable:

Action	Date	FR Cite
NPRM	05/20/85	50 FR 20803
NPRM Comment Period Begin	05/20/85	50 FR 20803
NPRM Comment Period End	07/19/85	
Final Action	10/30/85	
Final Action Effective	01/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA62

2952. CRITERIA FOR RECOGNITION OF FLOOD PROTECTION STRUCTURES ON FLOOD INSURANCE MAPS

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 65

Abstract: The regulation will establish criteria defining when FEMA will credit flood protection structures with

reducing the size of the Special Flood Hazard Area shown, or to be shown, on FEMA flood maps. The criteria will include design, operation and maintenance standards and requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	
NPRM Comment Period Begin	03/03/86	
NPRM Comment Period End	05/02/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: **Donald L. Collins**, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA63

2953. INDIVIDUAL AND FAMILY GRANT PROGRAM

Legal Authority: 42 USC 5178; 42 USC 5201

CFR Citation: 44 CFR 205. 54

Abstract: The proposed revisions will address the problems of timeliness of grant assistance, introduce methods for speeding up the administrative processes used by FEMA and the States, and hopefully result in a more efficiently administered program.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	12/01/85	
Final Action	02/01/86	
Final Action Effective	03/01/86	

Small Entity: Not Applicable

Agency Contact: **Agnes C. Mravcak**, Federal Emergency Management Agency, Room 710, 500 C Street, SW, Washington, DC 20472, **202 646-3660**

RIN: 3067-AA64

2954. DUPLICATION OF BENEFITS

Legal Authority: 42 USC 5155; 42 USC 5201

CFR Citation: 44 CFR 205.10

Abstract: This regulation will address the prevention of and remedies for duplication of benefits between disaster assistance programs under the Disaster Relief Act and other available assistance (insurance, other legislative authorities).

Timetable:

Action	Date	FR Cite
NPRM	05/22/85	50 FR 21085
NPRM Comment Period Begin	05/22/85	
NPRM Comment Period End	07/22/85	
Final Action	10/01/85	
Final Action Effective	11/01/85	

Small Entity: Not Applicable

Agency Contact: **Donna M. Dannels**, Federal Emergency Management Agency, Room 710, 500 C Street, SW, Washington, DC 20472, **202 646-3662**

RIN: 3067-AA65

2955. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAMS (EMA)

Legal Authority: 50 USC App. 2253 Sec. 401 Federal Civil Defense Act of 1950; Reorganization Plan No. 3 of 1978, 3 CFR 1979 Comp., p. 329; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Abstract: 44 CFR 302 may be revised to change program requirements.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	
NPRM	07/05/85	
NPRM Comment Period Begin	07/05/85	50 FR 129
NPRM Comment Period End	09/03/85	
Final Action	10/00/85	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: **John McKay**, Acting Chief, Federal Emergency Management Agency, Emergency Management Systems, Dev., 500 C Street, SW, Washington, DC 20472, **202 646-3509**

RIN: 3067-AA66

2956. RADIOLOGICAL PROTECTION PROGRAM

Legal Authority: 50 USC App 2253 Sec 201 Federal Civil Defense Act of 1950; Reorganization Plan No. 3 of 1978 (3 CFR 1979, Comp. p. 329); EO 12148

CFR Citation: 44 CFR Chapter I, Subchapter E

Abstract: Review 44 CFR and PL 81-920 Federal Civil Defense Act of 1950, as amended, to determine if a part is needed in 44 CFR pertaining to the development and implementation of a radiological protection program at Federal, State, and local levels of government. The Radiological Protection Program provides for the protection of the citizens and property from the radiological hazards including nuclear attack and technological threats, that are a potential threat to the jurisdiction. Radiation threat of nuclear attack is unique. No alternative to this program is being considered. Funding for this program is provided by FEMA. The major benefit of this program is to provide all levels of government the capability to respond and survive a nuclear attack or peacetime radiological incident.

Timetable:

Action	Date	FR Cite
ANPRM	02/01/86	
ANPRM Comment Period Begin	02/15/86	
ANPRM Comment Period End	03/15/86	
NPRM	06/30/86	
NPRM Comment Period Begin	08/30/86	
NPRM Comment Period End	09/30/86	
Interim Final Rule	01/15/87	

Small Entity: Not Applicable

Additional Information: If needed, regulatory development of this program will be initiated in FY 85 for possible issuance in FY 86.

Government Levels Affected: Local, State, Federal

Agency Contact: **George C. Meyer**, Sr. Health Physicist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3498**

RIN: 3067-AA67

2957. POPULATION PROTECTION PLANNING PROGRAM

Legal Authority: 50 USC App. 2253 Sec 201, Federal Civil Defense Act of 1950; Reor-

ganization Plan No. 3 of 1978 (3 CFR 1979 Comp. 329); EO 12148

CFR Citation: 44 CFR 313

Abstract: The Population Protection Planning Program is designed to insure the protection of people and property from hazards each jurisdiction is likely to face. It directly supports the Integrated Emergency Management System (IEMS) and provides for the development, exercise and maintenance of a single emergency operations plan detailing tasks and procedures for coping with natural disasters, technological hazards and nuclear attack with specific procedures on sheltering and evacuation. No alternative to this program is being considered. Funding for this program is provided by FEMA. The major benefit of this program is to provide State and local jurisdictions the capability to respond and recover from a disaster, accident or incident.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/86	
ANPRM Comment Period Begin	03/15/86	
ANPRM Comment Period End	04/15/86	
NPRM	07/30/86	
NPRM Comment Period Begin	09/30/86	
NPRM Comment Period End	10/30/86	
Interim Final Rule	02/15/87	
The regulatory development of this program will be initiated in FY85 for Regulation issuance FY86	00/00/00	

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: John E. Bokel, Chief, Planning Development Branch, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3500**

RIN: 3067-AA68

2958. UNIFORM RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq

CFR Citation: 44 CFR 25

Abstract: FEMA will participate as one of the signatory agencies which will issue uniform policies and procedures implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21731
NPRM Comment Period End	07/20/85	
Final Action	10/01/85	

Small Entity: No

Agency Contact: John L. Scheibel, Associate General Counsel, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4100**

RIN: 3067-AA69

2959. STATE ASSISTANCE PROGRAMS FOR TRAINING AND EDUCATION IN COMPREHENSIVE EMERGENCY MANAGEMENT

Legal Authority: Reorganization Plan No. 3,1978; EO 12127; EO 12148

CFR Citation: 44 CFR 360

Abstract: This regulation revises existing regulation governing the State Assistance Program for Training and Education in Comprehensive Emergency Management to reflect program and administrative changes occurring since issuance of the regulation in 1981.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Agency Contact: Joseph L. LeFleur, Superintendent, Emergency Mgmt. Institute, Federal Emergency Management Agency, Emmitsburg, MD 21727, **301 447-6771**

RIN: 3067-AA70

2960. TEMPORARY RELOCATION ASSISTANCE - SUPERFUND

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 220

Abstract: This part prescribes policy and program guidance to be followed when implementing temporary relocation assistance under the Comprehensive Environmental Response, Compensation and Liability Act, 1980 (CERCLA) Superfund.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period End	03/00/86	
Final Action	05/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Agency Contact: Kathleen M. Brody, Emergency Management Specialist, Federal Emergency Management Agency, Room 701, 500 C Street, SW, Washington, DC 20472, **202 646-3804**

RIN: 3067-AA72

2961. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61

Abstract: Possible changes to the insurance contract include mobile home changes. The floodplain management provisions of the NFIP dealing with mobile homes may also be revised, along with other floodplain management changes, including possible changes involving standards for application of sec. 1316 of the National Flood Insurance Act of 1968, additional guidance on community probation and suspension, placement of mechanical and utility equipment, use of best available data, requirements for elevation certificates in unnumbered A-zones, floodproofing, variances, functionally dependent uses, residential basements, alluvial fans, openings in elevated building enclosures, and deletion of 44 CFR 76 (State Assistance Program regulations). Possible revisions to the NFIP premium rate structure include community rating, elevation rating outside Special Flood Hazard Areas and also for the Emergency Program, and a coastal shoreline rating system.

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	
NPRM Comment Period Begin	03/03/86	

Action	Date	FR Cite
NPRM Comment Period End	05/02/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA79

2962. ● STATE COST SHARE CRITERIA FOR SUPERFUND RELOCATIONS

Legal Authority: 42 USC 9601 et seq

CFR Citation: 42 CFR 222

Abstract: This part provides basic guidance with regard to the State's allowable costs associated with the administration of temporary and permanent relocation activities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period Begin	01/00/86	
NPRM Comment Period End	03/00/86	
Final Action	05/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Agency Contact: Karen Forbes, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3807**

RIN: 3067-AA83

2963. ● PERMANENT RELOCATION ASSISTANCE

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 221

Abstract: This part prescribes the policies to be followed by the Federal Emergency Management Agency or any other Federal agency acting on its behalf or any State or local government when implementing permanent relocation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), also known as Superfund.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period Begin	01/00/86	
NPRM Comment Period End	03/00/86	
Final Action	05/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Agency Contact: Kathleen Brody, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3804**

RIN: 3067-AA84

2964. ● DISASTER ASSISTANCE: THE DECLARATION PROCESS

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart C

Abstract: This document describes several proposed regulation changes, most of which are intended to implement the requirement in the Disaster Relief Act of 1974 that Federal disaster assistance be supplemental to the efforts and resources of State and local governments. The policy would require that for each major disaster and emergency the Governor of the affected State make a commitment, on behalf of the State and local governmental and eligible private nonprofit entities, to assume 25 percent of otherwise eligible "public assistance" costs as a portion of the non-Federal effort to respond to Presidentially-declared major disasters and emergencies. This proposed rule also includes changes to the current FEMA regulations relating to FEMA policy on preliminary damage assessments, the Consolidated List of Debarred, Suspended, and Ineligible Contractors, and the FEMA-State Agreement with regard to certain Indian tribes and Alaskan Native villages.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	12/01/85	

Small Entity: No

Agency Contact: Sewall H. E. Johnson, Emergency Management Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3616**

RIN: 3067-AA85

2965. ● TEMPORARY HOUSING ASSISTANCE

Legal Authority: 42 USC 5174

CFR Citation: 44 CFR 205.52

Abstract: The revised rule, to be published as proposed, will implement the program changes made since the publication of the current program regulations, as well as clarify several areas which caused inconsistency in delivery of assistance.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
NPRM Comment Period Begin	09/30/85	
NPRM Comment Period End	11/30/85	
Final Action	01/30/86	
Final Action Effective	02/28/86	

Small Entity: No

Agency Contact: Sarah L. Wise, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3657**

RIN: 3067-AA86

2966. ● AUDIT OF STATE AND LOCAL GOVERNMENTS

Legal Authority: PL 98-502

CFR Citation: 44 CFR 14

Abstract: This regulation will implement for FEMA the Single Audit Act.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	12/01/85	

Small Entity: No

Agency Contact: Jane Altenhofen, Supervisory Auditor Off of Inspector General, Federal Emergency Management Agency, Office of Inspector General, 500 C Street, SW, Washington, DC 20472, **202 646-3905**

RIN: 3067-AA88

2967. ● PROJECT ADMINISTRATION

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart H

Abstract: Project Administration under Disaster Relief Act. This regulation updates and revises the existing regulation. Interim changes were made in August 1985.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	
NPRM Comment Period Begin	10/01/85	
NPRM Comment Period End	12/01/85	
Final Action	03/15/86	

Small Entity: No

Agency Contact: Bruce Baughman, Program Officer, Federal Emergency Management Agency, Office of Disaster Assistance Programs, 500 C Street, SW, Washington, DC 20472, **202 646-3680**

RIN: 3067-AA89

2968. ● ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 13

Abstract: This part will establish uniform administrative rules for Federal grants and cooperative agreements to State and local governments and Indian Tribal governments. These will be common regulations issued with other government agencies.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	
NPRM Comment Period Begin	11/01/85	
NPRM Comment Period End	01/01/86	

Small Entity: No

Agency Contact: Arthur Curry, Chief, Policy Division, Off. of Comptroller, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3718**

RIN: 3067-AA90

2969. ● REIMBURSEMENT OF OTHER FEDERAL AGENCIES

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart I

Abstract: This updates the existing regulation which specifies procedures for obtaining or authorizing the provision of services or use of resources of other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	08/21/85	50 FR 33783
NPRM Comment Period Begin	08/21/85	
NPRM Comment Period End	10/21/85	
Final Action	12/30/85	

Small Entity: No

Agency Contact: Bruce Baughman, Program Officer, Federal Emergency Management Agency, Office of Disaster Assistance Programs, 500 C Street, SW, Washington, DC 20472, **202 646-3680**

RIN: 3067-AA92

2970. ● FIRE SUPPRESSION ASSISTANCE

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart G

Abstract: Fire suppression to States under Sec. 417, PL 93-288. Revises and updates existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/28/85	34 FR 865
NPRM Comment Period Begin	08/28/85	
NPRM Comment Period End	10/28/85	
Final Action	12/30/85	

Small Entity: No

Agency Contact: Gene Morath, Disaster Program Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3683**

RIN: 3067-AA93

2971. ● CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE (EMA)

Legal Authority: Reorg. Plan No. 3 of 1978; 50 USC App. 2253 Sec 401 Fed. Civil Def. Act of 1950 as amended; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Abstract: 44 CFR 302 is being revised to: (1) rename and redefine operational plans as emergency operational plans (EOP's) and to add the requirement for EOP's to conform with two FEMA guides, and (2) to permit States to submit primary annual submission documents in amounts not to exceed their tentative allocation amounts and for those documents to be approved as final annual submissions under certain prescribed conditions. There will be no additional costs incurred. The benefit is the enhancement of the civil defense readiness of the Nation.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27627
NPRM Comment Period Begin	07/05/85	
NPRM Comment Period End	09/03/85	

Small Entity: No

Additional Information: This rulemaking results from review under 3067-AA66 - Civil Defense State and Local Emergency Management Assistance Program (EMA).

Agency Contact: John McKay, Chief, Federal Emergency Management Agency, Emergency Mgmt. Systems Development Division, 500 C Street, SW, Washington, DC 20472, **202 646-3509**

RIN: 3067-AA94

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Existing Regulations Under Review

2972. PRESERVATION OF THE MOBILIZATION BASE THROUGH THE PLACEMENT OF PROCUREMENT AND FACILITIES IN LABOR SURPLUS AREAS

Legal Authority: EO 10480; EO 12148

CFR Citation: 44 CFR 331

Abstract: This part sets policy and makes assignments with respect to award of contracts, etc. in labor surplus areas for purposes of preserving the mobilization base.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA32

2973. POLICY GUIDANCE AND DELEGATION OF AUTHORITIES FOR USE OF PRIORITIES AND ALLOCATIONS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES

Legal Authority: 50 USC 2061 et seq; PL 94-163, Sec 104

CFR Citation: 44 CFR 330

Abstract: This regulation establishes policy guidance on determination and use of priorities and allocations for materials and equipment to maximize domestic energy supplies pursuant to section 101(c) of the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA33

2974. USE OF PRIORITIES AND ALLOCATION AUTHORITY FOR FEDERAL SUPPLY CLASSIFICATION (FSC) COMMON USE ITEMS (DMO-12)

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 329

Abstract: This part provides policy guidance concerning the use of priorities and allocations authority in Title I of Defense Production Act for the procurement of common use items in the Federal Supply Classification.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	04/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA34

2975. GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING (DMO-11)

Legal Authority: 50 USC 98 et seq

CFR Citation: 44 CFR 328

Abstract: This part sets forth policies for the administration of strategic and critical materials stockpiling under the Strategic and Critical Materials Stock Piling Act.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA35

2976. POLICY ON USE OF GOVERNMENT-OWNED INDUSTRIAL PLANT EQUIPMENT BY PRIVATE INDUSTRY (DMO-10A)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 327

Abstract: This part establishes policy on use by private industry of Government-owned industrial plant equipment to maintain a reserve of such equipment for emergency preparedness.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA36

2977. POLICY GUIDANCE FOR A NATIONAL EMERGENCY BLOOD PROGRAM

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 326

Abstract: This regulation prescribes objectives, policies and responsibilities of the National Emergency Blood Program.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA37

2978. EMERGENCY HEALTH AND MEDICAL OCCUPATIONS

Legal Authority: 50 USC App 2061; EO 11490

CFR Citation: 44 CFR 325

Abstract: This regulation lists emergency health and medical occupations in support of functions under Executive Order Assigning Emergency Preparedness Functions.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	04/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA38

FEMA

Existing Regulations Under Review

2979. NATIONAL SECURITY POLICY GOVERNING SCIENTIFIC AND ENGINEERING MANPOWER (DMO-5)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 324

Abstract: This part provides policy on the training and utilization of the scientific and engineering workforce as it affects national security.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	04/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2653**

RIN: 3067-AA43

2980. GUIDANCE ON PRIORITY USE OF RESOURCES IN IMMEDIATE POST ATTACK PERIOD (DMO-4)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 323

Abstract: This regulation states policy on use of resources in a post attack period and provides general guidance for Federal, State and local governments on activities to be accorded priority in use of resources, and lists items essential to national survival.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	04/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2653**

RIN: 3067-AA44

2981. DEFENSE PRODUCTION PRIORITIES AND ALLOCATIONS AUTHORITY

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 322

Abstract: This regulation establishes policy guidance and delegates authority with respect to priorities and allocation functions in the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2653**

RIN: 3067-AA45

2982. MAINTENANCE OF THE MOBILIZATION BASE

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 321

Abstract: This regulation deals with policies concerning the mobilization base for Department of Defense, Department of Energy, and Maritime Administration and includes procedures relating to selection and maintenance of the base.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2653**

RIN: 3067-AA46

2983. DISPERSION AND PROTECTIVE CONSTRUCTION: POLICY, CRITERIA RESPONSIBILITIES (DMO-1)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 320

Abstract: This regulation establishes policy and criteria to encourage dispersal of facilities important to the national security and that these be located so as to reduce the risk of damage in event of attack.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	07/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2653**

RIN: 3067-AA47

2984. CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Legal Authority: 50 USC App 2281(i)

CFR Citation: 44 CFR 301

Abstract: This regulation prescribes procedures and sets terms and conditions under which FEMA provides financial assistance to States and local governments for civil defense equipment, including emergency operations centers.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: Joseph Mealy, Chief, Emergency Management System Support, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3104**

RIN: 3067-AA48

2985. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC 5131; 50 USC 5201; 50 USC App 2253(g); EO 12148

CFR Citation: 44 CFR 350

Abstract: Review existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

Timetable:

Action	Date	FR Cite
Begin Review	09/30/85	
End Review	11/15/85	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4131**

RIN: 3067-AA76

2986. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Abstract: Review of regulation which sets out Federal agency roles and assigns tasks regarding Federal assistance to State and local government in their radiological emergency planning and preparedness activities application to radiological accidents at commercial nuclear power facilities.

Timetable:

Action	Date	FR Cite
Begin Review	03/12/86	
End Review	05/14/86	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4131**

RIN: 3067-AA77

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Completed Actions

COMPLETED RULEMAKINGS

2987. FEDERAL DISASTER ASSISTANCE - SUBPART N COASTAL BARRIER RESOURCES ACT

CFR Citation: 44 CFR 205.500

Completed:

Reason	Date	FR Cite
Final Action	09/23/85	50 FR 38525
Final Action Effective	10/23/85	

Small Entity: No

Agency Contact: Charles Stuart 202 646-3691

RIN: 3067-AA24

2988. FLOOD PLAIN MANAGEMENT CRITERIA FOR FLOOD-PRONE AREAS

CFR Citation: 44 CFR 59; 44 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	09/15/85	50 FR 36016
Final Action Effective	01/01/86	

Small Entity: No

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067-AA57

2989. FLOOD INSURANCE PROGRAM ARRANGEMENTS WITH INSURANCE INDUSTRY

CFR Citation: 44 CFR 61; 44 CFR 62

Completed:

Reason	Date	FR Cite
Final Action	04/24/85	50 FR 16236
Final Action Effective	06/01/85	

Small Entity: No

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067-AA60

2990. FEDERAL ACQUISITION REGULATIONS

CFR Citation: 48 CFR 44

Completed:

Reason	Date	FR Cite
Final Action	08/01/85	50 FR 31316
Final Action Effective	09/03/85	

Small Entity: No

Agency Contact: Joseph A. Pegnato 202 646-3743

RIN: 3067-AA71

2991. IMPLEMENTATION OF PRIVACY ACT

CFR Citation: 44 CFR 6.82; 44 CFR 6.83; 44 CFR 6.85

Completed:

Reason	Date	FR Cite
Final Action	07/29/85	50 FR 30711
Final Action Effective	08/28/85	

Small Entity: No

Agency Contact: Linda M. Keener 202 646-3981

RIN: 3067-AA73

2992. PRODUCTION OR DISCLOSURE OF INFORMATION

CFR Citation: 44 CFR 5.42; 44 CFR 5.44; 44 CFR 5.46

Completed:

Reason	Date	FR Cite
Final Action	07/29/85	50 FR 30711
Final Action Effective	08/28/85	

Small Entity: No

Agency Contact: Linda M. Keener 202 646-3981

RIN: 3067-AA74

2993. REIMBURSEMENT FOR ENGINEERING REVIEW OF PROPOSED PROJECTS TO REMOVE PROPERTY FROM FLOOD HAZARD AREA DELINEATION

CFR Citation: 44 CFR 72

Completed:

Reason	Date	FR Cite
Final Action	09/04/85	50 FR 36016
Final Action Effective	01/01/86	

Small Entity: No

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067-AA75

2994. STANDARDS OF CONDUCT

CFR Citation: 44 CFR 3

Completed:

Reason	Date	FR Cite
Final Action	09/26/85	

Small Entity: No

Agency Contact: Lorri L. Jean 202 646-4093

RIN: 3067-AA78

2995. RIOT REINSURANCE PROGRAM

CFR Citation: 44 CFR 55; 44 CFR 56; 44 CFR 57

Completed:

Reason	Date	FR Cite
Final Action	05/01/85	50 FR 18487
Final Action Effective	05/31/85	

Small Entity: No

Agency Contact: Robert J. DeHenzel 202 646-3440

RIN: 3067-AA80

2996. CRIME INSURANCE PROGRAM

CFR Citation: 44 CFR 80; 44 CFR 82; 44 CFR 83

Completed:

Reason	Date	FR Cite
Final Action	04/26/85	50 FR 16494
Final Action Effective	05/01/85	

Small Entity: No

Agency Contact: Robert J. DeHenzel 202 646-3440

RIN: 3067-AA81

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

2997. ● FEDERALLY ASSISTED CONSTRUCTION

Legal Authority: 50 USC App 2251 et seq

CFR Citation: 44 CFR 309

Abstract: This action withdraws 44 CFR 309 from the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	08/15/85	50 FR 32866

Small Entity: No

Agency Contact: William R. Booker, Attorney Advisor, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4098

RIN: 3067-AA82

2998. ● FEDERAL DISASTER ASSISTANCE

Legal Authority: 42 USC 3535

CFR Citation: 44 CFR 200; 44 CFR 201

Abstract: This action withdraws 44 CFR 200 and 201 from the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	08/15/85	50 FR 32866

Small Entity: No

Agency Contact: Sewall H. E. Johnson, Emergency Management Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3616

RIN: 3067-AA87

2999. ● FEDERAL DISASTER ASSISTANCE - SUBPART H

Legal Authority: 42 USC 5201

CFR Citation: 42 CFR 205, Subpart H

Abstract: The regulation modifies existing disaster relief regulations concerning project administration to implement the Single Audit Act. It removes requirements for State audit of grants and establishes new procedures for processing program applicant claims.

Timetable:

Action	Date	FR Cite
Final Action	08/08/85	50 FR 32062

Small Entity: No

Agency Contact: Bruce Baughman, Program Officer, Federal Emergency Management Agency, Office of Disaster Assistance Programs, 500 C Street, SW, Washington, DC 20472, 202 646-3680

RIN: 3067-AA91

[FR Doc. 85-21498 Filed 10-28-85; 8:45 am]

BILLING CODE 6718-01-T

federal register

Tuesday
October 29, 1985

Part XXIII

Federal Mediation and Conciliation Service

Semiannual Regulatory Agenda

FMCS

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is redrafting one regulation subject to the Regulatory Flexibility Act during the six month period from October 1985 to April 1986. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C. 20427, (202) 653-5305.

DATED: August 27, 1985.

Kay McMurray,

Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) — Existing Regulations Under Review

3000. REVIEW OF EXISTING ARBITRATION REGULATION

Significance: Agency Priority

Legal Authority: 29 USC 172; 5 USC 552; 29 USC 173

CFR Citation: 29 CFR 1404

Abstract: The Federal Mediation and Conciliation Service is in the process of redrafting its existing Arbitration Services regulation at 29 CFR Part 1404. The Service will have completed its initial draft by March 1986. A proposed rule will be published soon thereafter and public comments solicited.

Timetable:

Action	Date	FR Cite
End Review	10/00/85	
NPRM	03/00/86	

Small Entity: No

Agency Contact: Daniel P. Dozier, Counsel, Federal Mediation and Conciliation Service, 2100 K Street NW, Washington, DC 20427, 202 653-5305

RIN: 3076-AA01

[FR Doc. 85-21613 Filed 10-28-85; 8:45 am]

BILLING CODE 6732-01-T

federal register

Tuesday
October 29, 1985

Part XXIV

General Services Administration

Semiannual Regulatory Agenda

GSA

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1, 101, 105, and 201

48 CFR Chs. 1 and 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since April 1985. This agenda was developed under the guidelines in OMB Bulletin No. 85-21, dated July 15, 1985. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: William W. Hiebert, Chief, Directives and Reports Management Branch (202) 535-7647.

SUPPLEMENTARY INFORMATION: GSA has six priority regulations designated by the Agency. Two of these regulations are listed under the category of current and projected rulemakings. Four are listed under the completed rulemakings. None of the regulations will have an effect on small businesses or other entities. None of the regulations listed are considered major under Executive Order 12291, Federal Regulations.

August 26, 1985.

Paul Trause,

Acting Administrator.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3001	Utilization and Disposal of Personal Property	3090-AA45
3002	Management of Buildings and Grounds	3090-AA69
3003	Supply Sources and Related Programs	3090-AA89
3004	General Services Administration Acquisition Regulation (GSAR)- Small Business Technical Advisors	3090-AB39
3005	General Services Administration Acquisition Regulation Change Part 519	3090-AB76
3006	General Services Administration Acquisition Regulation Change Subpart 46.7	3090-AB82
3007	General Services Administration Acquisition Regulation, Change Receipt of Proposals and Quotations	3090-AB83
3008	General Services Administration Acquisition Regulation, Change Part 515	3090-AB84
3009	General Services Administration Acquisition Regulation Change Part 501	3090-AB86
3010	General Services Administration Acquisition Regulation, Change Part 516	3090-AB96
3011	Protests to the General Accounting Office (GAO)	3090-AC14
3012	Source Selection	3090-AC16
3013	Department of Defense Reservist/Retiree Military Emergency Travel Warrant	3090-AA05
3014	Interest Assessment on Overcharges (Receivables)	3090-AA74
3015	Administrative Offset and Interest Assessment on Delinquent Refunds for Totally Unused Tickets	3090-AB12
3016	Federal Property Management Regulations; Revises the Reporting Requirements for Real Property	3090-AB31
3017	Collection of Claims Owed the United States	3090-AB45
3018	Revision of Standard Form 1170 and General Services Administration Form 7958	3090-AB68
3019	Revision of Public Voucher for Transportation Charges, Standard Form 1113	3090-AB69
3020	Revision of Voucher and Schedule of Payments Standard Form 1166 Instructions	3090-AB97
3021	Audit Procedures for Commercial Bills of Lading- Cost-Reimbursement-Type Contracts	3090-AC20
3022	Revision of Standard Form 1203 - US Government Bill of Lading - Privately Owned Personal Property	3090-AC21
3023	National Defense Stockpile Disposal Regulations	3090-AA40
3024	Negotiated Sales to Public Agencies	3090-AB09
3025	Disposals to Public Agencies	3090-AB55
3026	Property for Correctional Facilities	3090-AB72
3027	Subpart 101-47.8 - Identification of Unneeded Federal Real Property and Subpart 101-47.49 -- Illustrations	3090-AC11
3028	Submission of Reports of Excess Real Property	3090-AC12
3029	Donation of Personal Property	3090-AA23
3030	Donation of Abandoned and Forfeited Personal Property	3090-AA24
3031	Abandonment or Destruction of Personal Property	3090-AA28
3032	Acquisition and Use of Excess Personal Property	3090-AA30
3033	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
3034	Transportation and Traffic Management	3090-AA73
3035	Cost Effective Procurement of Personal Property	3090-AA95
3036	Motor Equipment Management	3090-AB00
3037	Interagency Fleet Management Systems	3090-AB02
3038	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (unassigned)	3090-AB99
3039	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (Unassigned)	3090-AC00
3040	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (unassigned)	3090-AC01
3041	Revision of Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property	3090-AC03
3042	Instructions for Preparing Standard Form 120	3090-AC04
3043	Additional Criteria for Exchange or Sale	3090-AC05
3044	Change to Federal Travel Regulations (FTR) FPMR 101-7 Supplement (unassigned)	3090-AC22
3045	Change to Federal Travel Regulations (FTR) FPMR 101-7 Supplement (unassigned)	3090-AC23

GSA

Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
3046	Change to Federal Travel Regulations (FTR) FPMR 101-7 Supplement (unassigned)	3090-AC24
3047	Exemption of ADP Procurement Authority based on the Defense Authorization Act of 1982 - Project 82.23T	3090-AA16
3048	Obsolescence, of Federal ADP Equip. Project 82.06A	3090-AA19
3049	Revision of Acquisition and Management Provisions regarding the Changing Telecommunication Marketplace, including the Detariffing of Customer Premises Equipment (84.06A)	3090-AB08
3050	Agency Planning - Project 84.32A	3090-AB58
3051	FIRMR Implementation of the ADP Dispute Resolution Section of the Competition in Contracting Act of 1984 - Project 84.63	3090-AB64
3052	Implementation of Federal Information Processing Standards (FIPS) Federal Telecommunications Standards (FED-STDS) and Joint FIPS/FED-STDS in the FPMR. Project 85-20A	3090-AC13
3053	Federal Advisory Committee Management	3090-AA62
3054	Federal Employee Parking	3090-AA68

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3055	General Services Administration Acquisition Regulation Change Competition in Contracting Act of 1984	3090-AB75
3056	General Services Administration Acquisition Regulation, Change Part 570	3090-AB78
3057	General Services Administration Acquisition Regulation Change Part 513	3090-AB85
3058	General Services Administration Acquisition Regulation Change Part 552.103	3090-AB87
3059	General Services Administration Acquisition Regulation, Change 504.8	3090-AB88
3060	General Services Administration Acquisition Regulation Change Part 532	3090-AB89
3061	General Services Administration Acquisition Regulation Change Part 533	3090-AB93
3062	Revision of U.S. Government Bill of Lading Standard Forms	3090-AA04
3063	Revision of U.S. Government Transportation Request, Standard Form 1169	3090-AB11
3064	Change In Forms Sequence; SF 1103 Set, U.S. Government Bill of Lading	3090-AB15
3065	Amend Terms and Conditions Section of Standard Form 1103, U.S. Government Bill of Lading-Original	3090-AB33
3066	Use of Cash to Purchase Transportation	3090-AB98
3067	Holding Agency	3090-AB70
3068	Acceptance of Offers	3090-AB71
3069	Use of Carrier Contractors for Express Small Package Transportation	3090-AB63
3070	Change to Federal Travel Regulations (FTR) (Supplement 14)	3090-AC02
3071	Performance Validation of ADP Systems, Project 84.80A	3090-AA90
3072	Triennial Review of Agency Administration and Operation of Information Management Activities - Project 84.33T	3090-AB60
3073	FIRMR Revisions to Implement Public Laws 98-369 and 98-577 - Project 84.64A	3090-AB61
3074	Listening-in or Recording of Telephone Conversations - Project 84.25A	3090-AB79
3075	Records Management - Project 85.15A	3090-AC06
3076	Nondiscrimination in Federal Financial Assistance Programs	3090-AA00
3077	Assignment and Utilization of Space	3090-AA67
3078	Work Space Management Reform	3090-AB50
3079	Application of Various Thresholds to Contracts with Options	3090-AC15
3080	Acquisition Planning	3090-AC17
3081	Service Contract Act	3090-AC18
3082	Restrictions on Procurement of Hand and Measuring Tools Acquisition Circular 85-3	3090-AC19

GENERAL SERVICES ADMINISTRATION (GSA) — Current and Projected Rulemakings

ACQUISITION POLICY

3001. UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-42; 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48

Abstract: Parts 42-46 and Part 48 prescribe policies and procedures for the utilization and disposal of personal property by Federal agencies. A number of executive agencies have indicated that these parts need to be revised to update, improve, clarify, and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of these parts to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Emily Karam, Director of Regulatory Review, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, 202 566-1177

RIN: 3090–AA45

3002. MANAGEMENT OF BUILDINGS AND GROUNDS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Abstract: Part 101-20 prescribes policies and procedures for the management, operation, protection, and maintenance of Government-owned and leased buildings and grounds required by the Federal agencies to undertake their assigned missions. A number of executive agencies have indicated that this part needs to be revised to update, improve, clarify, and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of this part to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Emily Karam, Director of Regulatory Review, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, 202 566-1177

RIN: 3090–AA69

3003. SUPPLY SOURCES AND RELATED PROGRAMS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26

Abstract: Part 101-26 prescribes policies and procedures for the procurement of personal property and nonpersonal services by Federal agencies from established Government supply sources. A number of executive agencies have indicated that this part needs to be revised to update, improve, clarify and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of this part to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/83	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Emily Karam, Director of Regulatory Review, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, 202 566-1177

RIN: 3090–AA89

3004. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)- SMALL BUSINESS TECHNICAL ADVISORS

Legal Authority: 40 USC 486(c) (Sec 205(c), 63 Stat. 390)

CFR Citation: 48 CFR 519

Abstract: The GSAR will be amended to delete mandatory annual review requirements of class set aside determinations and to reflect the function of the GSA Small Business Technical Advisors.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090–AB39

3005. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 519

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 519

Abstract: To issue a GSAR amendment in Part 519, Small Business and Small Disadvantaged Business Concerns, regarding the subcontracting plan reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/10/85	50 FR 14122
NPRM Comment Period Begin	04/10/85	50 FR 14122
NPRM Comment Period End	05/10/85	
Final Action	11/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090–AB76

3006. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE SUBPART 46.7

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 546

Abstract: GSA to issue a GSAR amendment to implement and supplement the FAR Subpart 46.7 by providing agency policies and procedures on the use of Warranties.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090–AB82

3007. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE RECEIPT OF PROPOSALS AND QUOTATIONS

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 515; 48 CFR 552

Abstract: GSA to issue a GSAR amendment which will (1) revise Section 515.411, Receipt of Proposals and Quotations, to require the use of the appropriate Business Service Center for receipt and safeguarding of proposals or quotations (except small purchases) unless an exemption is obtained; (2) amend Part 515 to establish a special Late Proposals

provision for Multiple Award Federal Supply Schedules that will preclude an offeror from adding additional items to an offer after the time set for submission of offer; and (3) revise clause 552.210-78, Charges for Packaging and Packing.

Timetable:

Action	Date	FR Cite
Final Action	01/00/86	

Small Entity: Not Applicable

Agency Contact: **Ida Ustad**, Senior Procurement Analyst, General Services Administration, GSA Acquistion Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, **202 523-5754**

RIN: 3090-AB83

3008. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE PART 515

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 515

Abstract: To issue a GSAR amendment in Part 515, Contracting by Negotiation, regarding the establishment of guidance for source selection in competitively negotiated acquisitions.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: Not Applicable

Agency Contact: **Ida Ustad**, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, **202 523-4754**

RIN: 3090-AB84

3009. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 501

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 501

Abstract: To issue a GSAR amendment to implement the requirements of the Competition Enhancement Act of 1984 (Pub. L. 98-577) regarding publicizing proposed regulations in Part 501, General Services Administration Acquisition Regulations System.

Timetable:

Action	Date	FR Cite
Final Action	01/00/86	

Small Entity: Not Applicable

Agency Contact: **Ida Ustad**, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, **202 523-4754**

RIN: 3090-AB86

3010. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE PART 516

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 516

Abstract: To issue a GSAR amendment in Part 516, Types of Contracts, to provide supplementary guidance on the use of economic price adjustment clauses and provisions in GSA contracts and designate the approval authority for the use of various type of contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/24/85	50 FR 18115
NPRM Comment Period Begin	04/24/85	50 FR 18115
NPRM Comment Period End	05/24/85	
Final Action	11/00/85	

Small Entity: Not Applicable

Agency Contact: **Ida Ustad**, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, **202 523-4754**

RIN: 3090-AB96

3011. ● PROTESTS TO THE GENERAL ACCOUNTING OFFICE (GAO)

Legal Authority: 40 USC 486 (c)

CFR Citation: 48 CFR 533

Abstract: Acquisition Circular 85-4 amends section 533.104(b) and (c) of the GSAR to implement Federal Acquisition Circular 84-9 which revised the Federal Acquisition Regulation (FAR) to comply with the "stay" and "damages" provisions of the Competition in Contracting Act of 1984 (CICA).

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 26998
Final Action	12/21/85	

Small Entity: No

Agency Contact: **Ida Ustad**, Senior Procurement Analyst, General Services Administration, 18th & F Streets, NW, Washington, DC 20405, **202 523-4754**

RIN: 3090-AC14 →

3012. ● SOURCE SELECTION

Legal Authority: 40 USC 486 (c)

CFR Citation: 48 CFR 515.612

Abstract: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) Chapter 5, that will establish procedures and provide guidelines for source selection in competitively negotiated acquisitions. The intended effect is to improve the regulatory coverage and provide uniform procedures for contracting under the regulatory system.

Timetable:

Action	Date	FR Cite
NPRM	05/02/85	50 FR 18708
NPRM Comment Period Begin	05/02/85	50 FR 18708
NPRM Comment Period End	06/03/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: **Ida Ustad**, Senior Procurement Analyst, General Services Administration, Office of Acquisition Policy & Regulations, 18th & F Sts, NW, Washington, DC 20405, **202 523-4754**

RIN: 3090-AC16

OFFICE OF THE COMPTROLLER

3013. DEPARTMENT OF DEFENSE RESERVIST/RETIREE MILITARY EMERGENCY TRAVEL WARRANT

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: The Department of Defense will use travel warrants to obtain transportation for selected Military Reservists and Retirees who are ordered to active duty. Implementation of the travel warrant program will provide a simple and efficient system to procure transportation and pay for

services furnished, and will impose no additional burden on the Government or the public since the warrant will be used instead of GTR's.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/85	

Small Entity: No

Additional Information: RIN 3090-AA05. The Selective Service System National Emergency Travel Warrant part of this rule making was published 10/11/84 49 FR 39918.

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Review Branch, (BWCP), Washington, DC 20405, **202 786-3014**

RIN: 3090-AA05

3014. INTEREST ASSESSMENT ON OVERCHARGES (RECEIVABLES)

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This proposed rule will enable GSA to assess interest on overcharges issued to transportation carriers for freight and passenger services furnished for the account of the U.S. It will enhance debt collection procedures and compensate the Government for loss of funds resulting from carrier overbillings.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14261
NPRM Comment Period Begin	04/11/85	50 FR 14261
NPRM Comment Period End	06/10/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Review Branch, (BWCP), Washington, DC 20405, **202 786-3014**

RIN: 3090-AA74

3015. ADMINISTRATIVE OFFSET AND INTEREST ASSESSMENT ON DELINQUENT REFUNDS FOR TOTALLY UNUSED TICKETS

Legal Authority: 31 USC 3701 to 3711; 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule will enable Government agencies to collect by administrative offset when carriers fail to make refunds for totally unused passenger tickets in accordance with 41 CFR 101-41.210. It will also permit agencies to assess interest and penalties on delinquent refunds due the Government for totally unused tickets. It will further improve the efficiency of Government-wide efforts to collect debts owed the U.S. as prescribed by applicable Federal regulations.

Timetable:

Action	Date	FR Cite
Extension of Comment Period (end 08/11/83)	07/12/83	48 FR 31890
NPRM	04/11/85	50 FR 14261
NPRM Comment Period Begin	04/11/85	50 FR 14261
NPRM Comment Period End	06/10/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Review Branch, (BWCP), Washington, DC 20405, **202 786-3014**

RIN: 3090-AB12

3016. FEDERAL PROPERTY MANAGEMENT REGULATIONS; REVISES THE REPORTING REQUIREMENTS FOR REAL PROPERTY

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Abstract: This regulation revises FPMR 101-3 with changes and additions to the data elements currently collected as part of the World-Wide Real Property Inventory System. It also displays the revised forms to be used when supplying this information. These changes are necessary to monitor government-wide space reduction initiatives mandated by Executive Order 12411 - Government Work Space Management Reforms and Temporary Regulation D-70-Work Space Management Plans.

The General Services Administration has determined this is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of this rule; has determined that the potential benefits to society from this rule outweigh the potential (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ABSTRACT CONT: costs and has maximized the net benefits.

Agency Contact: Jerome Jackson, Chief, Reports and Cash Management Branch, General Services Administration, Reports and Cash Management Branch (BCPR), Washington, DC 20405, **202 566-1260**

RIN: 3090-AB31

3017. COLLECTION OF CLAIMS OWED THE UNITED STATES

Legal Authority: PL 97-365, Sec 10

CFR Citation: 41 CFR 105-55, (New)

Abstract: The regulations will implement the Debt Collection Act of 1982 within the General Services Administration. The regulations are required by Section 10 of the Act and by means of these regulations GSA will be better equipped to pursue claims owed to the Government arising out of GSA activities. Although the benefit will be improved claims collections, there is no way to precisely quantify the costs or benefits at this time.

Timetable:

Action	Date	FR Cite
NPRM	07/26/84	49 FR 30080
NPRM Comment Period Begin	07/26/84	49 FR 30080
NPRM Comment Period End	08/27/84	
Final Action	11/00/85	

Small Entity: No

Agency Contact: David C. Fisher, Jr., Chief Counsel - Administration, General Services Administration, Office of General Counsel, General Law Division, 18th & F Sts., NW, Washington, DC 20405, **202 566-1460**

RIN: 3090-AB45

3018. REVISION OF STANDARD FORM 1170 AND GENERAL SERVICES ADMINISTRATION FORM 7958

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule revises the Standard Form 1170, Redemption of Unused Tickets, and General Services Administration Form 7958, Certificate of Indebtedness, by incorporating wording prescribed by the Debt Collection Act of 1982. This will improve Government-wide effort in collecting debts due the United States.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures and Review Branch, (BWCP), Washington, DC 20405, **202 786-3014**

RIN: 3090-AB68

3019. REVISION OF PUBLIC VOUCHER FOR TRANSPORTATION CHARGES, STANDARD FORM 1113

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule revises Public Voucher for Transportation Charges, Standard Form 1113, to eliminate various information blocks because certain agency fiscal control numbers are no longer required. This change will reduce the amount of time agencies spend in processing these documents.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Betty Brown, Transportation Specialist, General Services Administration, Regulations and Procedures Section (BWCP/R), Washington, DC 20405, **202 786-3011**

RIN: 3090-AB69

3020. REVISION OF VOUCHER AND SCHEDULE OF PAYMENTS STANDARD FORM 1166 INSTRUCTIONS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule provides explicit instructions for handling voucher schedules to minimize payment accounting problems and ensure that proper payment information accompanies payment checks to carriers.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16316
Final Action	11/00/85	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures and Review Branch, (BWCP), Washington, DC 20405, **202 786-3014**

RIN: 3090-AB97

3021. ● AUDIT PROCEDURES FOR COMMERCIAL BILLS OF LADING-COST-REIMBURSEMENT-TYPE CONTRACTS

Legal Authority: 31 USC 3726; 40 USC 486 (c)

CFR Citation: 41 CFR 101-41

Abstract: This rule requires contractors doing business with the United States Government to submit cost reimbursement-type contract commercial bills of lading to GSA for audit.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27625
Final Action	02/00/86	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, Regulations, Procedures & Review, General Services Administration, BWCP, Washington, DC 20405, **202 786-3014**

RIN: 3090-AC20

3022. ● REVISION OF STANDARD FORM 1203 - US GOVERNMENT BILL OF LADING - PRIVATELY OWNED PERSONAL PROPERTY

Legal Authority: 31 USC 3726; 40 USC 486 (c)

CFR Citation: 41 CFR 101-41

Abstract: This amendment will reduce the number of parts in the Standard Form 1203, US Government Bill of Lading-Privately Owned Personal Property set from nine to six. The increased use of state of the art printers that can print only six copies necessitates this change.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27626
Final Action	02/00/86	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, Regulations, Procedures & Review, General Services Administration, BWCP, Washington, DC 20405, **202 786-3014**

RIN: 3090-AC21

FEDERAL PROPERTY RESOURCES SERVICE

3023. NATIONAL DEFENSE STOCKPILE DISPOSAL REGULATIONS

Legal Authority: 50 USC 98 et seq Strat. & Crit. Materials Stock Piling Act; EO 12155

CFR Citation: 41 CFR 101-14.4

Abstract: These regulations indicate the procedures for disposing of strategic and critical materials that are excess to National Defense Stockpile needs and have been authorized for disposal by Congress, pursuant to the Stock Piling Act of 1979 50 USC 98 et seq. These regulations will be responsive to public sector, intergovernment and intragovernment comments reflecting on the lack of published regulations governing GSA's stockpile disposal policies and procedures.

Timetable:

Action	Date	FR Cite
Final Action	05/01/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1983

Government Levels Affected: Federal

Agency Contact: Kent N. Knowles, Assistant Commissioner, General Services Administration, Office of Stockpile Transactions (DS), Washington, DC 20405, **202 535-7132**

RIN: 3090–AA40

3024. NEGOTIATED SALES TO PUBLIC AGENCIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.304-9

Abstract: In order to eliminate the possibility of windfall profits and establish uniformity of the terms and conditions in all such negotiated sales of real property, GSA proposes to include a requirement for an excess profits clause in all negotiated sales to public bodies. The excess profits clause will run with the land for a period of three years.

Timetable:

Action	Date	FR Cite
NPRM	07/12/84	
NPRM Comment Period Begin	07/12/84	49 FR 28420
NPRM Comment Period End	08/13/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, **202 535-7067**

RIN: 3090–AB09

3025. DISPOSALS TO PUBLIC AGENCIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.303-2; 41 CFR 101-47.303-2(b)(1)(2)(3) and (4); 41 CFR 101-47.303-2(d); 41 CFR 101-47.303-2(e) and (e)(1); 41 CFR 101-47.303-2(b); 41 CFR 101-47.303-2(g); 41 CFR 101-47.4906; 41 CFR 101-47.4906-2

Abstract: Executive Order 12372 superseded OMB Circular A-95 and established new procedures for intergovernmental consultation on certain Federal programs and activities. The E.O. places certain requirements on GSA to notify and respond to state review process comments or recommendations concerning real property disposals to public agencies.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: No

Agency Contact: James H. Pitts, Director, Special Programs Division (DRP), General Services Administration, 18th & F Sts., NW, Washington, DC 20405, **202 535-7067**

RIN: 3090–AB55

3026. PROPERTY FOR CORRECTIONAL FACILITIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.308-9

Abstract: In order to implement Section 701 of P.L. 98-473 to transfer or convey to the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof surplus real and related personal property determined by the Attorney General to be required for correctional facility use. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: Undetermined

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division, Washington, DC 20405, **202 535-7067**

RIN: 3090–AB72

3027. ● SUBPART 101-47.8 - IDENTIFICATION OF UNNEEDED FEDERAL REAL PROPERTY AND SUBPART 101-47.49 -- ILLUSTRATIONS

Legal Authority: 40 USC 486 (c)

CFR Citation: 41 CFR 101-47.800; 41 CFR 101-47.802; 41 CFR 101-47.4914

Abstract: The regulations concerning the identification of unneeded Federal real property are being amended to implement EO 12512.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: No

Agency Contact: James H. Pitts, Director, Special Programs Division, General Services Administration, 18th & F Streets, NW, Washington, DC 20405, **202 535-7067**

RIN: 3090–AC11

3028. ● SUBMISSION OF REPORTS OF EXCESS REAL PROPERTY

Legal Authority: 40 USC 486 (c)

CFR Citation: 41 CFR 101-47.202-3(c)

Abstract: All reports of excess shall bear the certification " This property has been screened against the known needs of the holding agency."

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: No

Agency Contact: James H. Pitts, Director, Special Programs Division, General Services Administration, 18th & F Streets, NW, Washington, DC 20405, **202 535-7067**

RIN: 3090–AC12

FEDERAL SUPPLY AND SERVICES

3029. DONATION OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-44.000; 41 CFR 101-44.001; 41 CFR 101-44.105; 41 CFR 101-44.106; 41 CFR 101-44.108; 41 CFR 101-44.112; 41 CFR 101-44.118; 41 CFR 101-44.120; 41 CFR 101-44.200; 41 CFR 101-44.204; 41 CFR 101-44.205; 41 CFR 101-44.207; 41 CFR 101-44.208; 41 CFR 101-44.4701; 41 CFR 101-44.4901-123; ...

Abstract: This rule updates GSA's policies and procedures concerning the Federal surplus personal property donation program. It would: (1) prescribe new and revised definitions; (2) implement Title IX of the Education Amendments of 1972; (3) change procedures for donating aircraft, drugs,

biologicals, and reagents; (4) clarify cannibalization procedures; (5) add additional terms to the State agency distribution documents; (6) clarify that conditional title, not unrestricted title, passes to a donee at the time it takes possession of the property; (7) prohibit reimbursement to State agencies for certain sales expenses; (8) change reporting requirements; (9) establish an informal appeals procedure; and (10) revise eligibility criteria for educational activities. This amendment is necessary to comply with the provisions of Title IX of the Education Amendments of 1972, section 502(a) of Public Law 94-241, and the Congressional Reports Elimination Act of 1980 (Public Law 96-470). Its intent is to increase the efficiency and effectiveness of the donation program. There should be no significant costs to the public as a result of this regulatory action. It has been determined that potential benefits to (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ABSTRACT CONT: society from this rule will outweigh the potential costs.

Agency Contact: George W. Kinney, Director, General Services Administration, Donation Division (FMD), Washington, DC 20406, **703 557-1234**

RIN: 3090-AA23

3030. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Abstract: This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation. There should be no significant costs to the public as a result of this rule. It has been determined that potential benefits to society from this rule will outweigh potential costs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: George W. Kinney, Director, General Services Administration, Donation Division (FMD), Washington, DC 20406, **703 557-1234**

RIN: 3090-AA24

3031. ABANDONMENT OR DESTRUCTION OF PERSONAL PROPERTY

Legal Authority: 40 USC 483(h)

CFR Citation: 41 CFR 101-45.9, (Revision)

Abstract: This revision clarifies procedures for agencies' use in the abandonment and destruction of property.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The revision to Subchapter H of the Federal Property Management Regulations by the Interagency Subcommittee on Regulatory Review includes the subject revision to abandonment or destruction of personal property. The General Services Administration's Proponent of this amendment to subchapter H is the Office of Acquisition Policy (V).

Agency Contact: John Hansley, Property Marketing Specialist, General Services Administration, Office of Federal Supply and Services, Sales Division (FMS), Washington, DC 20406, **703 557-0814**

RIN: 3090-AA28

3032. ACQUISITION AND USE OF EXCESS PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Abstract: A number of miscellaneous changes will be made to clarify procedures for the acquisition and use of excess personal property by federal agencies and other authorized recipients.

Timetable:

Action	Date	FR Cite
Final Action	11/01/85	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, **703 557-0807**

RIN: 3090-AA30

3033. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite
End Review	12/01/84	
Final Action	12/01/85	

Small Entity: No

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, **703 557-0807**

RIN: 3090-AA42

3034. TRANSPORTATION AND TRAFFIC MANAGEMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-40, Amendment G

Abstract: The revision to 41 CFR 101-40 will update policy and procedures that apply to the management of transportation matters affecting the Federal civilian executive agencies.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Travel&Transportation Regulations Div (FTA), Office of Federal Supply and Services, Washington, DC 20406, **703 557-1256**

RIN: 3090-AA73

3035. COST EFFECTIVE PROCUREMENT OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26.100-2; 41 CFR 101-26.102-1(a); 41 CFR 101-26.301(b); 41 CFR 101-26.401-3; 41 CFR 101-26.501(b); 41 CFR 101-26.505-3

Abstract: Review regulations and determine changes needed to assure the most cost effective means of support are available in meeting agencies' needs for goods and services.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Additional Information: The proposed regulation, title: Waivers from the Use of GSA Supply Sources, is withdrawn because the proposed legislation on "Industrial Funding" was not enacted.

Agency Contact: Robert Renner, Director, Regulations Management Division, General Services Administration, Regulations Management Division (FEY), Office of Management, Washington, DC 20406, **703 557-7990**

RIN: 3090-AA95

3036. MOTOR EQUIPMENT MANAGEMENT

Legal Authority: 40 USC 491; 40 USC 486(c)

CFR Citation: 41 CFR 101-38

Abstract: The revision to 41 CFR 101-38 updates policy and procedures that apply to the management of the Federal Motor Vehicle Fleet affecting the Federal executive agencies and incorporates certain paragraphs from 101-25, 101-26, and 101-39 that apply to the Federal fleet.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14260
NPRM Comment Period Begin	04/11/85	50 FR 14260
NPRM Comment Period End	06/10/85	
Final Action	11/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Travel and Transportation Regulations Div., (FTA), Washington, DC 20406, **703 557-1256**

RIN: 3090-AB00

3037. INTERAGENCY FLEET MANAGEMENT SYSTEMS

Legal Authority: 40 USC 491; 40 USC 486(c)

CFR Citation: 41 CFR 101-39

Abstract: The revision to 41 CFR 101-39 updates policy and procedures that apply to the operation and management of Interagency Fleet Management Systems.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14260
NPRM Comment Period Begin	04/11/85	50 FR 14260
NPRM Comment Period End	06/10/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Travel and Transportation Regulations Div., (FTA), Washington, DC 20406, **703 557-1256**

RIN: 3090-AB02

3038. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change implements new and/or revised high rate geographical areas and applicable maximum reimbursement rates for subsistence expenses incurred during official travel.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations Division, Washington, DC 20406, **703 557-1253**

RIN: 3090-AB99

3039, CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Abstract: FTR Change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). This FTR change will implement those provisions of OMB Circular A-126 which pertain to use of Government aircraft for official travel. Also included will be revised policies and procedures for use of rental cars in lieu of Government-contract rental vehicles under GSA Federal Supply Schedule Contracts.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations Division, Washington, DC 20406, **703 557-1253**

RIN: 3090-AC00

3040. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5724c; EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change will implement Presidential regulatory authority governing agency authority to contract with third party relocation

companies to provide relocation services for transferred employees. Will replace guidelines issued by GSA and published in the Federal Register, August 27, 1984 (49 FR 33937-33940). (Transmitted by GSA Bulletin FPMR A-40, Supplement 11.)

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations Division, Washington, DC 20406, 703 557-1253

RIN: 3090-AC01

3041. REVISION OF STANDARD FORM 121, ANNUAL REPORT OF UTILIZATION AND DISPOSAL OF EXCESS AND SURPLUS PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Abstract: This proposed regulation provides for miscellaneous revisions to the Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property. Instructions for preparing the form have been revised to reflect the changes in the form.

Timetable:

Action	Date	FR Cite
Final Action	11/01/85	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AC03

3042. INSTRUCTIONS FOR PREPARING STANDARD FORM 120

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Abstract: This proposed regulation would update the listing of GSA regional offices to reflect current information and would amend the instructions for preparing Standard Form 120 to require standardized document and item numbers in FEDSTRIP/MILSTRIP format.

Timetable:

Action	Date	FR Cite
Final Action	11/01/85	

Small Entity: No

Agency Contact: Nr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AC04

3043. ADDITIONAL CRITERIA FOR EXCHANGE OR SALE

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-46

Abstract: This proposed regulation would introduce a definition of replacement, expand the one year use requirement for exchange/sale property, and introduce a special authorization for Federal museums to exchange historical items.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AC05

3044. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR) FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486 (c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change implements new and/or revised high rate geographical areas and applicable maximum reimbursement rates for subsistence expenses incurred during official travel.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations, Division, Washington, DC 20406, 703 557-1253

RIN: 3090-AC22

3045. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR) FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486 (c); 5 USC 5724b; EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change implements new tables for determining the Federal and State marginal tax rate for use in calculating the relocation income tax (RIT) allowance covering relocation expense reimbursements received during the 1985 tax year.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations, Division, Washington, DC 20406, 703 557-1253

RIN: 3090-AC23

3046. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR) FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486 (c); 5 USC 5724a (a) (4); EO 11609

CFR Citation: 41 CFR 101-7

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change will implement amendments to Chapter 2, Part 6 regarding reimbursement of the loan origination fee incurred when buying a residence at the new official station and to adjust according to CPI change the maximum dollar amounts for reimbursement of allowable real estate sale and purchase expenses incident to a change of official station.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations, Washington, DC 20406, **202 557-1253**

RIN: 3090–AC24

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3047. EXEMPTION OF ADP PROCUREMENT AUTHORITY BASED ON THE DEFENSE AUTHORIZATION ACT OF 1982 - PROJECT 82.23T

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-1; 41 CFR 201-32

Abstract: This directive will address Department of Defense exemptions to GSA Government-wide ADP regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The FIRMR at section 201-1.102-3 paragraph (a) states the Department of Defense exclusion, see 49 FR 20998, May 17, 1984.

Agency Contact: Roger W. Walker, Chief, Policy Branch, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090–AA16

3048. OBSOLESCENCE, OF FEDERAL ADP EQUIP. PROJECT 82.06A

Significance: Regulatory Program

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-11; 41 CFR 201-30; 41 CFR 201-32; 41 CFR 201-33; 41 CFR 201-2; 41 CFR 201-23; 41 CFR 201-24

Abstract: This project prescribes policies regarding obsolescence of ADP equipment. The regulation establishes acquisition procedures for special type of compatibility limited requirement for situations termed equipment technology updates. The intent is to reduce obsolescent ADP equipment in the Government inventory and reduce paperwork through interagency sharing and reutilization.

Timetable:

Action	Date	FR Cite
Proposal for Agency comment	03/00/85	
NPRM	06/13/85	50 FR 24787
NPRM Comment Period Begin	06/13/85	50 FR 24787
NPRM Comment Period End	07/13/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch, (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090–AA19

3049. REVISION OF ACQUISITION AND MANAGEMENT PROVISIONS REGARDING THE CHANGING TELECOMMUNICATION MARKETPLACE, INCLUDING THE DETARIFFING OF CUSTOMER PREMISES EQUIPMENT (84.06A)

Significance: Regulatory Program

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-37

Abstract: This project revises FIRMR Provisions relating to Federal Telecommunications acquisition and management. It will include changes brought about by the Federal Communications Commission Computer II inquiry and the divestiture of AT&T. This regulation will provide an overview of GSA regulations and policies impacting Government-wide telecommunication management and will specifically address the need for requirements definition and analysis for local and intercity service. It will revise "major change" requirements and state what GSA needs from agencies if GSA is expected to provide services or if GSA is reviewing service for individual agency acquisitions. All obsolete provisions will be eliminated.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: The telecommunication parts of the FIRMR as published in the Federal Register Jan. 30, 1985, are a restatement of the telecommunication provisions of the FPR and FPMR. No policy changes were made. This action revises the FIRMR to make telecommunication regulations current, clear, and concise.

Agency Contact: John F. Stewart, Supervisory Communications Specialist, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0834**

RIN: 3090–AB08

3050. AGENCY PLANNING - PROJECT 84.32A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-16; 41 CFR 201-17

Abstract: Federal agency information resources managers must do a better job of planning. This proposed FIRMR temporary regulation will provide more comprehensive guidance to Federal agencies on the subject of planning and how to do it effectively. The regulation shall also define and obtain from the agencies additional data elements (not provided in current planning documents) that are essential to improving information resources management and agency planning.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Additional Information: Regulatory development will be delayed approximately six months pending issuance of OMB policy relative to information systems and technology planning.

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090–AB58

3051. FIRMR IMPLEMENTATION OF THE ADP DISPUTE RESOLUTION SECTION OF THE COMPETITION IN CONTRACTING ACT OF 1984 - PROJECT 84.63

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-32

Abstract: This project will add coverage to the FIRMR to address the ADP dispute resolution section of Public Law 98-369, the Competition in Contracting Act of 1984.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: This regulatory proposal was delayed pending issuance of GSBCA and FAR implementing regulations.

Agency Contact: William R. Loy, Procurement Analyst, General Services Administration, Policy Branch, (KMPP), Ofc of Info Resources Management, Washington, DC 20405, **202 566-0194**

RIN: 3090-AB64

3052. ● IMPLEMENTATION OF FEDERAL INFORMATION PROCESSING STANDARDS (FIPS) FEDERAL TELECOMMUNICATIONS STANDARDS (FED-STDS) AND JOINT FIPS/FED-STDS IN THE FPMR. PROJECT 85-20A

Legal Authority: 40 USC 486 (c)

CFR Citation: 41 CFR 201-8

Abstract: This regulation updates implementation provisions for a number of Federal Information Processing Standards, Federal Telecommunications Standards to provide associated standard terminology that shall be used in solicitation documents, including requirements documents, where the standard is applicable. The standard terminology for Governmentwide use brings to the attention of potential offerors on specific solicitations the requirement for compliance with the pertinent standard or standards. The intended effect of this regulation is to enhance economy and efficiency in the acquisition of automatic data processing/telecommunications equipment and services.

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34723
NPRM Comment Period Begin	08/27/85	50 FR 34723
NPRM Comment Period End	09/26/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, 18th & F Streets, NW, Washington, DC 20405, **202 566-0194**

RIN: 3090-AC13

OFFICE OF ORGANIZATION AND PERSONNEL

3053. FEDERAL ADVISORY COMMITTEE MANAGEMENT

Significance: Agency Priority

Legal Authority: 40 USC 486(c); 5 USC App I

CFR Citation: 41 CFR 101-6.10; 41 CFR 101-11.12

Abstract: This regulation provides administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act (FACA), as amended. It fulfills GSA's responsibilities under FACA and Executive Order 12024 and replaces OMB Circular A-63.

Timetable:

Action	Date	FR Cite
ANPRM	11/22/79	44 FR 66852
Previous NPRM	08/21/80	45 FR 55769
Interim Final Rule	04/28/83	48 FR 19324

Next Action Undetermined

Small Entity: No

Agency Contact: Ronald L. Martinson, Special Assistant, General Services Administration, Program Analysis and Improvement Division, Washington, DC 20405, **202 523-1343**

RIN: 3090-AA62

PUBLIC BUILDINGS SERVICE

3054. FEDERAL EMPLOYEE PARKING

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Abstract: This regulation will revise procedures for the assignment of parking spaces at federally controlled facilities.

Timetable:

Action	Date	FR Cite
Temporary Regulation D-69	04/15/83	48 FR 16272
Extend D-69 expiration date	02/01/84	49 FR 9724
Final Action	03/31/86	

Small Entity: No

Agency Contact: Judy A. Kraft, Acting Director, General Services Administration, Assignment Division (PRS), Washington, DC 20405, **202 566-0059**

RIN: 3090-AA68

GENERAL SERVICES ADMINISTRATION (GSA) Completed Actions

COMPLETED RULEMAKINGS

3055. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE COMPETITION IN CONTRACTING ACT OF 1984

Significance: Agency Priority

CFR Citation: 48 CFR 501 to 502; 48 CFR 504 to 515; 48 CFR 517; 48 CFR 519 to 520; 48 CFR 522 to 523; 48 CFR 525; 48 CFR 528 to 530; 48 CFR 532; 48 CFR 534; 48 CFR 536 to 537; 48 CFR 542 to 543; 48 CFR 546 to 550; 48 CFR 552 to 553

Completed:

Reason	Date	FR Cite
Final Action	03/13/85	50 FR 10036
Final Action Effective	02/20/85	50 FR 10036

Small Entity: Undetermined

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB75

3056. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE PART 570

Significance: Agency Priority

CFR Citation: 48 CFR 570

Completed:

Reason	Date	FR Cite
Final Action	07/05/85	50 FR 27589
Final Action Effective	06/13/85	50 FR 27589

Small Entity: Undetermined

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB78

3057. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 513

CFR Citation: 48 CFR 513

Completed:

Reason	Date	FR Cite
Withdrawn	08/13/84	49 FR 32204

Small Entity: Not Applicable

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB85

3058. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 552.103

CFR Citation: 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	07/19/85	50 FR 29402
Final Action Effective	07/19/85	50 FR 29402

Small Entity: Not Applicable

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB87

3059. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE 504.8

CFR Citation: 48 CFR 504

Completed:

Reason	Date	FR Cite
Final Action	07/01/85	50 FR 26996
Final Action Effective	06/18/85	50 FR 26996

Small Entity: Not Applicable

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB88

3060. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 532

CFR Citation: 48 CFR 532; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	07/17/85	50 FR 28948
Final Action Effective	07/08/85	50 FR 28948

Small Entity: Not Applicable

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB89

3061. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 533

Significance: Agency Priority

CFR Citation: 48 CFR 533

Completed:

Reason	Date	FR Cite
Final Action	06/13/85	50 FR 24772
Final Action Effective	05/14/85	50 FR 24772

Small Entity: Undetermined

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB93

3062. REVISION OF U.S. GOVERNMENT BILL OF LADING STANDARD FORMS

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	07/29/85	50 FR 30705

Small Entity: No

Agency Contact: Louis Rosengarten 202 786-3012

RIN: 3090-AA04

3063. REVISION OF U.S. GOVERNMENT TRANSPORTATION REQUEST, STANDARD FORM 1169

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	07/29/85	50 FR 30710
Final Action Effective	07/29/85	50 FR 30710

Small Entity: No

Agency Contact: James F. Fitzgerald 202 786-3014

RIN: 3090-AB11

3064. CHANGE IN FORMS SEQUENCE; SF 1103 SET, U.S. GOVERNMENT BILL OF LADING

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	07/29/85	50 FR 30705
Final Action Effective	07/29/85	50 FR 30705

Small Entity: No

Agency Contact: John W. Sandfort 202 786-3014

RIN: 3090-AB15

3065. AMEND TERMS AND CONDITIONS SECTION OF STANDARD FORM 1103, U.S. GOVERNMENT BILL OF LADING-ORIGINAL

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	07/29/85	50 FR 30705
Final Action Effective	07/29/85	50 FR 30705

Small Entity: No

Agency Contact: Louis Rosengarten 202 786-3012

RIN: 3090-AB33

3066. USE OF CASH TO PURCHASE TRANSPORTATION

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	05/14/85	50 FR 20101
Final Action Effective	05/14/85	50 FR 20101

Small Entity: No

Agency Contact: Betty Brown 202 786-3011

RIN: 3090-AB98

3067. HOLDING AGENCY

CFR Citation: 41 CFR 101-47.302-2

GSA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	07/12/85	50 FR 28402
Final Action Effective	07/12/85	50 FR 28402

Small Entity: Undetermined

Agency Contact: Mr. James H. Pitts 202 535-7067

RIN: 3090–AB70

3068. ACCEPTANCE OF OFFERS

CFR Citation: 41 CFR 101-47.305-1(b)

Completed:

Reason	Date	FR Cite
Final Action	06/18/85	50 FR 25222
Final Action Effective	06/18/85	50 FR 25222

Small Entity: Undetermined

Agency Contact: James H. Pitts 202 535-7067

RIN: 3090–AB71

3069. USE OF CARRIER CONTRACTORS FOR EXPRESS SMALL PACKAGE TRANSPORTATION

CFR Citation: 41 CFR 101-40, (FPMR)Temp. Reg. A-23 Supp 1

Completed:

Reason	Date	FR Cite
Final Action	03/04/85	50 FR 8622

Small Entity: No

Agency Contact: John B. Millington 703 557-1256

RIN: 3090–AB63

3070. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR) (SUPPLEMENT 14)

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	04/01/85	50 FR 15702
Final Action Effective	11/14/83	

Small Entity: No

Agency Contact: Audrey E. Rish 703 557-1253

RIN: 3090–AC02

3071. PERFORMANCE VALIDATION OF ADP SYSTEMS, PROJECT 84.80A

CFR Citation: 41 CFR 201-2; 41 CFR 201-24; 41 CFR 201-30

Completed:

Reason	Date	FR Cite
Final Action	06/26/85	50 FR 26364
Final Action Effective	08/26/85	50 FR 26364

Small Entity: No

Agency Contact: Carolyn A. Thomas 202 566-0194

RIN: 3090–AA90

3072. TRIENNIAL REVIEW OF AGENCY ADMINISTRATION AND OPERATION OF INFORMATION MANAGEMENT ACTIVITIES - PROJECT 84.33T

CFR Citation: 41 CFR 201-19

Completed:

Reason	Date	FR Cite
Final Action FIRMR Temp. Reg 11	03/26/85	50 FR 11861
Final Action Effective	04/01/85	50 FR 11861

Small Entity: No

Agency Contact: Phillip R. Patton 202 566-0194

RIN: 3090–AB60

3073. FIRMR REVISIONS TO IMPLEMENT PUBLIC LAWS 98-369 AND 98-577 - PROJECT 84.64A

CFR Citation: 41 CFR 201-4

Completed:

Reason	Date	FR Cite
Final Action FIRMR Amdt 4	07/01/85	50 FR 27142
Final Action Effective	08/30/85	50 FR 27142

Small Entity: No

Agency Contact: William R. Loy 202 566-0194

RIN: 3090–AB61

3074. LISTENING-IN OR RECORDING OF TELEPHONE CONVERSATIONS - PROJECT 84.25A

CFR Citation: 41 CFR 201-6.2

Completed:

Reason	Date	FR Cite
Withdrawn	08/05/85	

Small Entity: No

Agency Contact: John F. Stewart 202 566-0834

RIN: 3090–AB79

3075. RECORDS MANAGEMENT - PROJECT 85.15A

CFR Citation: 41 CFR 201-22; 41 CFR 201-45

Completed:

Reason	Date	FR Cite
Final Action FIRMR Amdt 3	06/28/85	50 FR 26908
Final Action Effective	06/28/85	50 FR 26908

Small Entity: No

Agency Contact: David R. Mullins 202 566-1651

RIN: 3090–AC06

3076. NONDISCRIMINATION IN FEDERAL FINANCIAL ASSISTANCE PROGRAMS

CFR Citation: 41 CFR 101-8

Completed:

Reason	Date	FR Cite
Final Action	06/04/85	50 FR 23412
Final Action Effective	06/04/85	50 FR 23412

Small Entity: No

Agency Contact: Thomas E. Henderson 202 566-1368

RIN: 3090–AA00

3077. ASSIGNMENT AND UTILIZATION OF SPACE

Significance: Agency Priority

CFR Citation: 41 CFR 101-17

Completed:

Reason	Date	FR Cite
Merged with Temp. Reg D-71	08/27/85	

Small Entity: No

Agency Contact: John Quigley 202 566-1875

RIN: 3090–AA67

3078. WORK SPACE MANAGEMENT REFORM

Significance: Agency Priority

CFR Citation: 41 CFR 101-17

Completed:

Reason	Date	FR Cite
Final Action	07/01/85	50 FR 26516
Final Action Effective	07/01/85	50 FR 26516

Small Entity: No

Agency Contact: John Quigley 202 566-1875

RIN: 3090-AB50

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

3079. ● APPLICATION OF VARIOUS THRESHOLDS TO CONTRACTS WITH OPTIONS

Legal Authority: 40 USC 486 (c)

CFR Citation: 48 CFR 517

Abstract: The General Services Administration Acquisition Regulation (GSAR) is amended to add section 515.804-2 and to revise section 515.805-5 and 522.805 in order to provide clarification on determining the contract value when applying the thresholds for cost and pricing data, field pricing support, and equal opportunity preaward clearance to contracts with options. Miscellaneous editorial changes are made in various sections in Subparts 515.8 and 522.8. The intended effect is to improve the regulatory coverage.

Timetable:

Action	Date	FR Cite
NPRM	04/18/85	50 FR 15463
NPRM Comment Period Begin	04/18/85	50 FR 15463
NPRM Comment Period End	05/20/85	
Final Action Effective	07/01/85	50 FR 28578
Final Action	07/15/85	50 FR 28578

Small Entity: No

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, Office of GSA Acquisition Policy &, Regulations Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AC15

3080. ● ACQUISITION PLANNING

Legal Authority: 40 USC 486 (c)

CFR Citation: 48 CFR 501; 48 CFR 507

Abstract: Amended to add subpart 507.1 to implement and supplement FAR 7.1 and to prescribe policies and procedures for acquisition planning. In addition Section 501.103. Applicability, is revised to indicate that the new subpart 507.1 applies to leases of of real property. Section 507.307 is also added to implement FAR 7.307.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/01/85	50 FR 14243
Final Action	04/11/85	50 FR 14243

Small Entity: No

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, Office of Acquisition Policy & Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-4754

RIN: 3090-AC17

3081. ● SERVICE CONTRACT ACT

Legal Authority: 40 USC 486 (c)

CFR Citation: 48 CFR 522

Abstract: To issue a GSAR amendment to incorporate the contents of Acquisition Circular AC-84-2, Labor Standards for Federal Service Contracts, into the regulation and to revise section 522.1007 to provide instructions on the use of the Service Contract Act Directory of Occupations. The intended effect is to update and maintain the regulation for the benefit of GSA contracting activities.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/31/85	50 FR 24523
Final Action	06/11/85	50 FR 24523

Small Entity: No

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, Office of Acquisition Policy & Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-4754

RIN: 3090-AC18

3082. ● RESTRICTIONS ON PROCUREMENT OF HAND AND MEASURING TOOLS ACQUISITION CIRCULAR 85-3

Legal Authority: 40 USC 486 (c)

CFR Citation: 48 CFR 525; 48 CFR 552

Abstract: This Acquisition Circular temporarily amends Sections 525.105 and 552.225 of the GSAR 48 CFR Ch. 5 (APD 2800.12) to reflect procurement restrictions in the current GSA and DOD Appropriation Acts on the acquisition of hand and measuring tools. The intended effect is to implement the appropriation restrictions and provide procedures and guidance to GSA contracting activities.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/19/85	50 FR 18262
Final Action	04/30/85	50 FR 18262

Small Entity: No

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, 18th & F Streets, NW, Washington, DC 20405, 202 523-4754

RIN: 3090-AC19

[FR Doc. 85-21614 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XXV

United States International Development Cooperation Agency/Agency for International Development

Semiannual Regulatory Agenda

IDCA

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency regulations agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this Agenda as required by section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next twelve months. It is expected that the information provided in this agenda will enable the public to be more aware of and more effectively participate in A.I.D.'s rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list, in general, contact: Mr. Fred D. Allen, Office of Information Resources Management, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-3378.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA): The Agency does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

R. T. Rollis, Jr.,

Assistant to the Administrator for Management.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Current and Projected Rulemakings

3083. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681 to 1683; 20 USC 1686

CFR Citation: 22 CFR 219, (New)

Abstract: This regulation will address the problem of discrimination on the basis of sex in education programs and activities receiving or benefitting from financial assistance from the Agency for International Development. The regulation is intended to implement title IX of the Education Amendments of 1972, as amended. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Nancy D. Frame, Assistant General Counsel, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, A.I.D., Washington, DC 20523, **202 632-8218**

RIN: 0412-AA04

3084. DONATION OF DAIRY PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (416 PROGRAM)

Legal Authority: 7 USC 1431; PL 97-253, Sec 110

CFR Citation: 22 CFR 210, (New)

Abstract: This regulation sets forth provisions of the Agency for International Development (A.I.D.), acting as an Agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving, administering and implementing the Section 416 program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy and wheat products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, Pub. L. 83-480. The Agency is not considering any alternatives for addressing the problem. There are some minor costs in administering the regulation. The potential benefits will go to needy persons overseas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/84	49 FR 22024
Next Action Undetermined		

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412-AA05

3085. DEBARMENT, SUSPENSION AND INELIGIBILITY

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 208

Abstract: These regulations currently apply to debarment and suspension of AID-financed suppliers of commodities and commodity-related services. The amendment expands the coverage to include direct AID agreements (e.g. grants and cooperative agreements) and all AID-financed agreements (e.g., host country contracts).

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	04/19/85	50 FR 15884
NPRM Comment Period End	05/20/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Jan W. Miller, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, **202 632-3348**

RIN: 0412-AA08

3086. COLLECTION OF CLAIMS

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 213

Abstract: These regulations prescribe the procedures to be used by the Agency for International Development ("AID") in the collection of claims owed to AID and to the United States. It supplements the Federal Claims Collections Standards, 4 CFR Parts 101-105. This part sets forth procedures for a) collections, including administrative offset, of claims owed the United States, b) interest, penalties and administrative charges; c) disclosure to consumer reporting agencies and contracts with collection agencies.

Timetable:

Action	Date	FR Cite
NPRM	06/02/85	
NPRM Comment Period Begin	06/02/85	50 FR 25720
NPRM Comment Period End	07/23/85	
Final Action	09/01/85	

Small Entity: No

Additional Information: Being sent to OMB for clearance prior to issuing as final rule.

Agency Contact: Jan W. Miller, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, **202 632-3348**

RIN: 0412-AA09

3087. AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATION (AIDAR)

Legal Authority: 22 USC 2381; EO 12163; PL 98-577

CFR Citation: 48 CFR 701; 48 CFR 727; 48 CFR 723

Abstract: The proposed revisions will implement Federal Acquisition Circular 84-6, concerning the Small Business and Federal Procurement Enhancement Act of 1984, and supplemented by FAR Case 85-39 (50 FR 32871, dated August 15, 1985).

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Agency Contact: John F. Owens, Procurement Executive, United States International Development Cooperation Agency/Agency for International Development, M/AAA/SER, Washington, DC 20523, **703 235-1895**

RIN: 0412-AA10

3088. ● AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATION (AIDAR)

Legal Authority: 22 USC 2381; 22 USC 2396 (a)(3); EO 12163

CFR Citation: 48 CFR 7, Appendix D

Abstract: The proposed revisions will update the Agency's coverage on contracting with U.S. citizens and U.S. resident aliens for personal services abroad; the coverage supplements FAR Part 37 -- Services contracting (48 CFR 37).

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	

Small Entity: No

Agency Contact: John F. Owens, Procurement Executive, United States International Development Cooperation Agency/Agency for International Development, M/AAA/SER, Washington, DC 20523, **703 235-1895**

RIN: 0412-AA12

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Existing Regulations Under Review

3089. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, -- EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Legal Authority: 22 USC 2402

CFR Citation: 22 CFR 209

Abstract: The regulation will address the problem of discrimination on the basis of race, color, or national origin in any program or activity receiving assistance from the Agency for International Development. The regulation provides that no person in the United States on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance from AID. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Nancy Frame, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, **202 632-8218**

RIN: 0412–AA01

3090. PUBLIC INFORMATION

Legal Authority: PL 89-487; 5 USC 552

CFR Citation: 22 CFR 212

Abstract: The regulation is being reviewed within the Agency to determine whether a modification is necessary. Further action will be determined by congressional determination on the future requirements of the Act.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Mr. Rhea Johnson, United States International Development Cooperation Agency/Agency for International Development, Bureau for External Affairs, Washington, DC 20523, **202 632-9614**

RIN: 0412–AA02

3091. REGULATION FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 22 CFR 215

Abstract: The regulation is in the clearance process within the Agency and will be published for public comment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mr. Rhea Johnson, United States International Development Cooperation Agency/Agency for International Development, Bureau for External Affairs, Washington, DC 20523, **202 632-9614**

RIN: 0412–AA03

3092. TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements with an intent to improve its effectiveness and efficiency. There will be internal administrative and operational costs. There are potential benefits to aid-receiving countries.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Food For Peace, Bureau For Food, For Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412–AA06

3093. PER DIEM PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN NONMILITARY ECONOMIC DEVELOPMENT TRAINING PROGRAMS

Legal Authority: 22 USC 2396

CFR Citation: 22 CFR 205

Abstract: This regulation prescribes the terms and conditions governing the payments to and on behalf of participants in nonmilitary economic development training programs.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Richard F. Calhoun, Asst. Director for Resources & Support, United States International Development Cooperation Agency/Agency for International Development, Office of Participant Training Bureau for Science and Technology, Washington, DC 20523, **703 235-1984**

RIN: 0412–AA07

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Completed Actions

COMPLETED RULEMAKINGS

3094. AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATION (AIDAR)

Legal Authority: 22 USC 2381; EO 12163; PL 98-369, Title VII

CFR Citation: 48 CFR 701; 48 CFR 702; 48 CFR 705; 48 CFR 706; 48 CFR 714; 48 CFR 715

Abstract: The proposed revisions will implement and supplement Federal Acquisition Circular 84-5, concerning the Competition in Contracting Act of 1984 (Title VII of P.L. 98-369).

Timetable:

Action	Date	FR Cite
NPRM	04/24/85	
NPRM Comment Period Begin	04/24/85	
NPRM Comment Period End	05/24/85	
Final Action	08/16/85	50 FR 33052
Final Action Effective	08/16/85	50 FR 33052

Small Entity: No

Agency Contact: John F. Owens, Procurement Executive, United States International Development Cooperation Agency/Agency for International Development, M/AAA/SER, Washington, DC 20523, **703 235-1895**

RIN: 0412–AA11

[FR Doc. 85-21621 Filed 10-28-85; 8:45 am]

BILLING CODE 6116-01-T

federal register

Tuesday
October 29, 1985

Part XXVI

Merit Systems Protection Board

Semiannual Regulatory Agenda

MSPB

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board regulations are scheduled for review or development from October 1985 through October 1986. This agenda carries out the MSPB's responsibility to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: Richard Redenius, Managing Director, (202) 653-6842.

DATED: August 26, 1985.

Merit Systems Protection Board.

Herbert E. Ellingwood,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Current and Projected Rulemakings

3095. HEARING PROCEDURES FOR APPELLATE CASES

Legal Authority: 5 USC 1205(g); 5 USC 7701

CFR Citation: 5 CFR 1201.1 to 1201.222

Abstract: The proposed changes in these regulations are the result of a comprehensive review of the Board's experience with processing and adjudicating cases since January 1979. The proposed changes are intended to clarify existing rules and to improve the operating efficiency and effectiveness of the Board and the parties who practice before the Board.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/85	
ANPRM Comment Period Begin	10/00/85	
ANPRM Comment Period End	11/00/85	
Final Action	01/00/86	
Final Action Effective	01/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney, Assistant Managing Director for Management, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-8900**

RIN: 3124-AA00

3096. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

Legal Authority: 29 USC 791

CFR Citation: 5 CFR 1207.1 to 1207.99, (New)

Abstract: To effectuate Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, amending Section 504 of P.L. 95-602.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: John H. Taylor, Director, Office of Equal Employment, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-6180**

RIN: 3124-AA01

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Completed Actions

COMPLETED RULEMAKINGS

3097. PRACTICES AND PROCEDURES

CFR Citation: 5 CFR 1201.114

Completed:

Reason	Date	FR Cite
Final Action	07/17/85	50 FR 28895
Final Action Effective	08/01/85	50 FR 30801

Small Entity: No

Agency Contact: Robert E. Taylor 202 653-7200

RIN: 3124-AA02

[FR Doc. 85-21622 Filed 10-28-85; 8:45 am]

BILLING CODE 7400-01-T

federal register

Tuesday
October 29, 1985

Part XXVII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NASA

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Logistics Management and Information Programs Division (Code NI), Office of Management, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/453-2922.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 85-21, "Unified Agenda of Federal Regulations," Executive Order 12291, "Federal Regulation," and NASA Management Instruction 1410.10E, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require that a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each October and April.

L. W. Vogel,

Director, Logistics Management and Information Programs Division.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3098	Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users	2700-AA00
3099	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
3100	Patent Waiver Regulations	2700-AA10
3101	Space Transportation System; Payload Specialists	2700-AA12
3102	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
3103	Monetary Claims (General); Collection of Civil Claims and Offset	2700-AA22
3104	Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by NASA	2700-AA24
3105	Employees Personal Property Claims	2700-AA27
3106	Security Adjudication Procedures	2700-AA31
3107	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act); Acquisition for Federal and Federally-Assisted Programs	2700-AA32
3108	Major System Acquisitions	2700-AA38
3109	Source Evaluation Board Manual	2700-AA39
3110	Data and Copyrights	2700-AA40
3111	Awards for Reported Scientific and Technical Contributions -- NASA and Contractor Employees	2700-AA41
3112	Equal Access to Justice Act in Agency Proceedings	2700-AA42
3113	Awards for Scientific and Technical Contributions	2700-AA43
3114	Inventions and Contributions Board	2700-AA44
3115	Space Transportation System; Reimbursement for Shuttle Services Provided to Non-U.S. Government Users; Reimbursement for Shuttle Services Provided to Civil U.S. Government Users and Foreign ETC	2700-AA45

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3116	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance	2700-AA02
3117	Statement of Organization and General Information	2700-AA26
3118	Space Transportation System; NASA Astronaut Candidate Recruitment and Selection Program	2700-AA28
3119	Multi-Year Contracting	2700-AA33
3120	Purchasing System Reviews	2700-AA34
3121	Airline Ticket Purchases	2700-AA35
3122	SEB Manual	2700-AA36
3123	Supply Sources	2700-AA37

3098. SPACE TRANSPORTATION SYSTEM; INSURANCE AND INDEMNIFICATION OF NASA SPACE VEHICLE USERS

Legal Authority: PL 96-48

CFR Citation: 14 CFR 1214, Subpart 13

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the proposed rule were received from several individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74499

Next Action Undetermined

Small Entity: No

Agency Contact: Robert J. Wojtal, National Aeronautics and Space Administration, Office of General Counsel, Code GK, Washington, DC 20546, **202 453-2446**

RIN: 2700-AA00

3099. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 8

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	
Interim Final Rule	07/30/85	50 FR 30807

Next Action Undetermined

Small Entity: No

Agency Contact: Stanley R. Nichols, National Aeronautics and Space Administration, Office of Space Flight, Code MC, NASA Headquarters, Washington, DC 20546, **202 453-1904**

RIN: 2700-AA01

3100. PATENT WAIVER REGULATIONS

Legal Authority: 42 USC 2457 et seq

CFR Citation: 14 CFR 1245, Subpart 1

Abstract: To adopt Presidential Memorandum on Government Patent Policy of 02/18/83.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/83	48 FR 22132
NPRM	02/00/84	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Robert F. Kempf, Asst. Gen. Counsel for Patent Matters, National Aeronautics and Space Administration, Code GP, NASA Headquarters, Washington, DC 20546, **202 453-2424**

RIN: 2700-AA10

3101. SPACE TRANSPORTATION SYSTEM; PAYLOAD SPECIALISTS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 3

Abstract: Revises NASA's policy on Payload Specialists aboard STS flights to provide an opportunity to major payload reimbursable customers to select and utilize their own payload specialists.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Lowell E. Primm, National Aeronautics and Space Administration, Office of Space Flight, Code MC, NASA Headquarters, Washington, DC 20546, **202 453-1252**

RIN: 2700-AA12

3102. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 1

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: RIN = 2700-AA13 merged with RIN = 2700-AA14.

Agency Contact: Lowell E. Primm, National Aeronautics and Space Administration, Office of Space Flight, Code MC, NASA Headquarters, Washington, DC 20546, **202 453-1252**

RIN: 2700-AA14

3103. MONETARY CLAIMS (GENERAL); COLLECTION OF CIVIL CLAIMS AND OFFSET

Legal Authority: 42 USC 2473(c); 5 USC 5514; 31 USC 3701

CFR Citation: 14 CFR 1261

Abstract: Proposed regulation to implement the claims collection and offset standards of the Debt Collection Act in accordance with the GAO/DOJ joint regulations and the salary offset OPM regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13228
NPRM Comment Period Begin	04/03/85	
NPRM Comment Period End	06/03/85	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Sara Najjar, National Aeronautics and Space Administration, Office of General Counsel, Code GS, NASA Headquarters, Washington, DC 20546, **202 453-2432**

RIN: 2700-AA22

3104. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY NASA

Legal Authority: 29 USC 94

CFR Citation: 14 CFR 1251

Abstract: Implements agency's policy and procedures for implementing Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in programs or activities conducted by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Roger D. Hamby, National Aeronautics and Space Administration, Office of General Counsel, Code GG, NASA Headquarters, Washington, DC 20546, 202 453-2465

RIN: 2700-AA24

3105. EMPLOYEES PERSONAL PROPERTY CLAIMS

Legal Authority: 31 USC 3721

CFR Citation: 14 CFR 1261, Subpart 1

Abstract: To reflect the increase in the maximum amount pursuant to PL 97-266, amending the Military Personnel and Civilian Employees Claims Act of 1964.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: No

Agency Contact: Sara Najjar, National Aeronautics and Space Administration, Office of General Counsel, NASA Headquarters (Code GS), Washington, DC 20546, 202 453-2432

RIN: 2700-AA27

3106. SECURITY ADJUDICATION PROCEDURES

Legal Authority: 5 USC 7532

CFR Citation: 14 CFR 1203

Abstract: Sets forth the general provisions regarding the implementation of 5 USC 7532, Suspension and Removal.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Jerome Verba, National Aeronautics and Space Administration, NASA Security Office, NASA Headquarters (Code NIS), Washington, DC 20546, 202 453-2946

RIN: 2700-AA31

3107. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (UNIFORM ACT); ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 4601

CFR Citation: 14 CFR 1208

Abstract: Regulation establishes uniform cost-effective policies and procedures governing the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act).

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21712
NPRM Comment Period Begin	05/28/85	
NPRM Comment Period End	07/29/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Gitta Haber, National Aeronautics and Space Administration, Facilities Engineering Div., Office of Mgmt, NASA Headquarters-Code NXG, Washington, DC 20546, 202 453-1960

RIN: 2700-AA32

3108. ● MAJOR SYSTEM ACQUISITIONS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Abstract: Revise and update procedures for major systems acquisition.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Agency Contact: John E. Horvath, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code HS), Washington, DC 20546, 202 453-2062

RIN: 2700-AA38

3109. ● SOURCE EVALUATION BOARD MANUAL

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Abstract: Revise and update procedures for conduct of Source Evaluation Boards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Agency Contact: Charles R. Yetter, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code HS), Washington, DC 20546, 202 453-2074

RIN: 2700-AA39

3110. ● DATA AND COPYRIGHTS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Abstract: Change to conform regulations with Federal Acquisition Regulations changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Agency Contact: Stuart J. Evans, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code H), Washington, DC 20546, 202 453-2090

RIN: 2700-AA40

3111. ● AWARDS FOR REPORTED SCIENTIFIC AND TECHNICAL CONTRIBUTIONS -- NASA AND CONTRACTOR EMPLOYEES

Legal Authority: 42 USC 2458 (Sec 306 of the Space Act of 1958 as amended)

CFR Citation: 14 CFR 1240, Subpart 2

Abstract: Revises NASA's regulations for procedures for the granting of monetary awards to employees of NASA and employees of NASA contractors for reported scientific and technical contributions in order to effect an increase in the amount of initial awards.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: No

Agency Contact: Joseph Labow, Inventions and Contributions Board, National Aeronautics and Space Administration, NASA Headquarters (Code NB), Washington, DC 20546, 202 453-2892

RIN: 2700-AA41

3112. ● EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504, et al

CFR Citation: 14 CFR 1262

Abstract: Proposed interim regulation to implement July 1985 legislation amending EAJA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/86	

Small Entity: No

Agency Contact: Sara Najjar, Office of General Counsel, National Aeronautics and Space Administration, NASA Headquarters (Code GS), Washington, DC 20546, 202 453-2432

RIN: 2700-AA42

3113. ● AWARDS FOR SCIENTIFIC AND TECHNICAL CONTRIBUTIONS

Legal Authority: 42 USC 2457 to 2458 (Space Act of 1958 as amended)

CFR Citation: 14 CFR 1240, Subpart 1

Abstract: Prescribes procedures for the granting of monetary awards by the Administrator of NASA for scientific and technical contributions which have significant value in the conduct of aeronautical and space activities.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: No

Agency Contact: Joseph Labow, Inventions and Contributions Board, National Aeronautics and Space Administration, NASA Headquarters (Code NB), Washington, DC 20546, 202 453-2892

RIN: 2700-AA43

3114. ● INVENTIONS AND CONTRIBUTIONS BOARD

Legal Authority: 42 USC 2457(f) to 2458 (Space Act of 1958 as amended); 5 USC 4501 to 4506

CFR Citation: 14 CFR 1209, Subpart 4

Abstract: Revision updates the existing regulations to reflect the change in Board's responsibilities with regard to patent licenses to 14 CFR Part 1245, Subpart 2.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: No

Agency Contact: Joseph Labow, Inventions and Contributions Board, National Aeronautics and Space Administration, NASA Headquarters (Code NB), Washington, DC 20546, 202 453-2892

RIN: 2700-AA44

3115. ● SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS AND FOREIGN ETC

Legal Authority: PL 85-568, Sec 203; 72 Stat 429; 42 USC 2473; PL 87-624, Sec 201(b); 76 Stat 421; 47 USC 721(b)

CFR Citation: 14 CFR 1214, Subpart 1; 14 CFR 1214, Subpart 2

Abstract: This revision will incorporate provisions for scheduled shared-flight retrieval service and for equitable charging for use of the downweight capability of the shuttle.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: TITLE CONT: Users Who Have Made Substantial Investment in the STS Program

Agency Contact: Lowell E. Primm, Office of Space Flight, National Aeronautics and Space Administration, NASA Headquarters (Code MC), Washington, DC 20546, 202 453-1252

RIN: 2700-AA45

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Completed Actions

COMPLETED RULEMAKINGS

3116. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

CFR Citation: 14 CFR 1252, Subpart 1

Completed:

Reason	Date	FR Cite
Final Action	04/05/85	50 FR 13311

Small Entity: No

Agency Contact: Richard N. Wolf 202 453-2445

RIN: 2700-AA02

3117. STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

CFR Citation: 14 CFR 1201

Completed:

Reason	Date	FR Cite
Final Action	05/23/85	50 FR 21235

Small Entity: No

Agency Contact: Richard G. Mulligan 202 453-2970

RIN: 2700-AA26

3118. SPACE TRANSPORTATION SYSTEM; NASA ASTRONAUT CANDIDATE RECRUITMENT AND SELECTION PROGRAM

CFR Citation: 14 CFR 1214, Subpart 11

Completed:

Reason	Date	FR Cite
Final Action	04/03/85	50 FR 13186

Small Entity: No

Agency Contact: Jesse W. Moore 202 453-1132

RIN: 2700-AA28

3119. MULTI-YEAR CONTRACTING

CFR Citation: 48 CFR 1817.102

Completed:

Reason	Date	FR Cite
Final Action Part V	08/15/85	50 FR 32974

Small Entity: Not Applicable

NASA **Completed Actions**

Agency Contact: S. Evans 202 453-2090

RIN: 2700–AA33

3120. PURCHASING SYSTEM REVIEWS

CFR Citation: 48 CFR 1844.302-70

Completed:

Reason	Date	FR Cite
Final Action Part V	08/15/85	50 FR 32974

Small Entity: Not Applicable

Agency Contact: S. Evans 202 453-2090

RIN: 2700–AA34

3121. AIRLINE TICKET PURCHASES

CFR Citation: 48 CFR 1851.70

Completed:

Reason	Date	FR Cite
Final Action Part V	08/15/85	50 FR 32974

Small Entity: Not Applicable

Agency Contact: S. Evans 202 453-2090

RIN: 2700–AA35

3122. SEB MANUAL

CFR Citation: 48 CFR 1815.613-71

Completed:

Reason	Date	FR Cite
Final Action Part V	08/15/85	50 FR 32974

Small Entity: Not Applicable

Agency Contact: S. Evans 202 453-2090

RIN: 2700–AA36

3123. SUPPLY SOURCES

CFR Citation: 48 CFR 1851.102(c)

Completed:

Reason	Date	FR Cite
Final Action	04/04/85	50 FR 13376

Small Entity: Not Applicable

Agency Contact: S. Evans 202 453-2090

RIN: 2700–AA37

[FR Doc. 85-20987 Filed 10-28-85; 8:45 am]

BILLING CODE 7510-01-T

federal register

Tuesday
October 29, 1985

Part XXVIII

National Archives and Records Administration

Semiannual Regulatory Agenda

NARA

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since April 1985. This agenda was developed under the guidelines in OMB Bulletin No. 85-21, dated July 15, 1985. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda are considered major under Executive Order 12291, Federal Regulation.

FOR FURTHER INFORMATION CONTACT: John A. Kelley, Chief, Information Management and Directives Branch, (202) 523-3214.

James E. O'Neill,

Acting Archivist of the United States.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3124	Fee Schedule	3095-AA03
3125	Public Use of the National Archives Building	3095-AA06
3126	Preservation and Protection and Access to the Presidential Historical Materials of the Nixon Administration	3095-AA13
3127	Transfers to the National Personnel Records Center	3095-AA16
3128	Declassification Regulations	3095-AA17
3129	Audiovisual Records Management	3095-AA18
3130	Use of NARA Research Rooms	3095-AA19
3131	Membership on State Historical Records Advisory Boards	3095-AA20
3132	Restrictions on Access to Archival Records	3095-AA21
3133	Micrographics Records Management	3095-AA22
3134	Implementation of Revised OMB Circular A-102	3095-AA23
3135	NARA Implementation of Presidential Records Act	3095-AA24
3136	NARA Standards of Conduct	3095-AA25

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
3137	Adequate and Proper Documentation	3095-AA07
3138	Transfers to the National Personnel Records Center	3095-AA15

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3139	Records Management	3095-AA00
3140	Establishment of NARA Regulations in 36 CFR Chapter XII	3095-AA01
3141	Disposition of Federal Records	3095-AA02
3142	NARA Privacy Act, FOIA, and Official Seal Regulations	3095-AA05
3143	Care and Handling of Magnetic Storage Media	3095-AA08
3144	Procedures for Transfer of Records to Federal Records Centers	3095-AA04

3124. FEE SCHEDULE

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 36 CFR 1258

Abstract: This regulation will revise the existing schedule of fees for reproduction of materials in the custody of the National Archives and Records Administration to reflect current costs and to eliminate a previously allowed Trust Fund profit factor.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	12/00/85	
Final Action Effective	12/00/85	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA03

3125. PUBLIC USE OF THE NATIONAL ARCHIVES BUILDING

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 36 CFR 1280

Abstract: Existing regulations on public use of the National Archives Building do not cover all areas of the building to which the public has access. This rule will revise procedures under which outside organizations may request the use of National Archives Building public areas for lectures, meetings and other activities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AA83.

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA06

3126. PRESERVATION AND PROTECTION AND ACCESS TO THE PRESIDENTIAL HISTORICAL MATERIALS OF THE NIXON ADMINISTRATION

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 36 CFR 1228

Abstract: This rule provides for preserving and protecting the Presidential historical materials of the Nixon Administration and for providing access to these materials. The Archivist of the United States is required by law to issue these regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12575
NPRM Comment Period Begin	03/29/85	
NPRM Comment Period End	05/28/85	

Next Action Undetermined

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AB52.

Agency Contact: Gary L. Brooks, Acting Director, National Archives and Records Administration, Legal Services Staff, (NSL), Washington, DC 20408, 202 523-3618

RIN: 3095-AA13

3127. ● TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Abstract: As a result of FPM Letter 293-20 which established an Employee Medical Folder (EMF) for all civilian employees, this regulation will be expanded to include the EMF. In addition, a separate request form will be developed similar to the SF 127, Request for Official Personnel Folder.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Agency Contact: David F. Peterson, Asst. Archivist for Federal Records Centers, National Archives and Records Administration, Washington, DC 20408, 202 724-1614

RIN: 3095-AA16

3128. ● DECLASSIFICATION REGULATIONS

Legal Authority: 44 USC 2104(a); EO 12356

CFR Citation: 36 CFR 1254; 36 CFR 1260

Abstract: This regulation will consolidate records declassification regulations affecting the public (Part 1254) and other agencies (Part 1260). The existing regulations are overlapping. Consolidation will aid public use of the regulations and will reduce CFR printing costs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	01/00/86	
Final Action Effective	01/00/86	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA17

3129. ● AUDIOVISUAL RECORDS MANAGEMENT

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1232

Abstract: This rule will revise records management regulations concerning the storage and handling of audiovisual records by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/00/86	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095–AA18

3130. ◎ USE OF NARA RESEARCH ROOMS

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1254

Abstract: This revision will modify NARA regulations on the use of personal copiers in research rooms and on other types of personal items that can be brought into research rooms. These changes are being made to enhance the security of the records being used by the public and to ensure proper handling of records while they are being reproduced.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	10/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Edwin A. Thompson, Act. Dep. Dir., Office of National Archives, National Archives and Records Administration, Washington, DC 20408, **202 523-3130**

RIN: 3095–AA19

3131. ◎ MEMBERSHIP ON STATE HISTORICAL RECORDS ADVISORY BOARDS

Legal Authority: 44 USC 2505

CFR Citation: 36 CFR 1206

Abstract: This regulation will restructure the State Historical Records Advisory Boards and redefine their functions in the grant review process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
NPRM Comment Period Begin	12/00/85	
NPRM Comment Period End	01/00/86	
Final Action	02/00/86	

Small Entity: Not Applicable

Agency Contact: George L. Vogt, Director, Records Program (NP), National Archives and Records Administration, Washington, DC 20408, **202 523-5386**

RIN: 3095–AA20

3132. ◎ RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1256.40

Abstract: This rule will add specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period Begin	01/00/86	
NPRM Comment Period End	02/00/86	
Final Action	03/00/86	

Small Entity: Not Applicable

Agency Contact: Edwin A. Thompson, Act. Dep. Dir., Office of National Archives, National Archives and Records Administration, Washington, DC 20408, **202 523-3130**

RIN: 3095–AA21

3133. ◎ MICROGRAPHICS RECORDS MANAGEMENT

Legal Authority: 44 USC 2907; 44 USC 3302; 44 USC 3312

CFR Citation: 36 CFR 1230

Abstract: This rule will update existing regulations on micrographics records management to correct references to Federal and industry micrographics standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095–AA22

3134. ◎ IMPLEMENTATION OF REVISED OMB CIRCULAR A-102

Legal Authority: 44 USC 2104; 44 USC 2504

CFR Citation: 36 CFR 1208

Abstract: NARA will join other agencies in the common rule for implementing revised OMB Circular A-102, Uniform Requirements for Grants to State and Local Governments.

Timetable:

Action	Date	FR Cite
Awaiting joint rule	00/00/00	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095–AA23

3135. ◎ NARA IMPLEMENTATION OF PRESIDENTIAL RECORDS ACT

Legal Authority: 44 USC 2206

CFR Citation: 36 CFR 1270

Abstract: 44 USC 2206 requires that the Archivist promulgate regulations to carry out the Presidential Records Act. The law requires that the regulations provide for:

1. advance public notice of intention to dispose of valueless records;

2. notice to the former President of impending opening of otherwise restrictable records in response to judicial process, a request from the incumbent President, or request from Congress;

3. notice to the former President when disclosure of documents may adversely affect any rights or privileges he may have; and

4. establishment of procedures for consultation between the Archivist and appropriate Federal agencies regarding Presidential records which may be restricted as investigatory records compiled for law enforcement purposes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	
Final Action	02/00/86	
Final Action Effective	02/00/86	

Small Entity: No

Agency Contact: Gary Brooks, Act. Dir., Legal Services Staff (NSL), National Archives and Records Administration, Washington, DC 20408, **202 523-3618**

RIN: 3095-AA24

3136. ● NARA STANDARDS OF CONDUCT

Legal Authority: 5 CFR 735; 44 USC 2104(a)

CFR Citation: 36 CFR 1204

Abstract: These regulations will establish standards of conduct for NARA employees.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/00/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Agency Contact: Gary Brooks, Act. Dir., Legal Services Staff (NSL), National Archives and Records Administration, Washington, DC 20408, **202 523-3618**

RIN: 3095-AA25

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) Existing Regulations Under Review

3137. ADEQUATE AND PROPER DOCUMENTATION

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497; 44 USC 2901 to 2909; 40 USC 486(c)

CFR Citation: 44 CFR 101-11.202; 36 CFR 1220.20

Abstract: The head of each Federal agency is required to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. The introduction of modern technology into Federal records systems presents problems in meeting this requirement because of the erasable storage media and complex storage formats. The Archivist of the United States is required to provide guidance and standards to agencies. Thus, the National Archives and Records Administration is reviewing the regulations regarding proper and adequate documentation to determine if they are sufficient to insure proper retention and retrievability of the information until its authorized disposition under an approved records control schedule. If this review determines agencies need different or new guidance, consideration is being given to providing such information through the Bulletin structure.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/83	
End Review	03/00/86	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AB03.

Agency Contact: Patricia Aronsson, Dir., Documentation Standards Staff (NSD), National Archives and Records Administration, Office of Records Administration (NI), Washington, DC 20408, **202 724-3616**

RIN: 3095-AA07

3138. ● TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Abstract: Consideration is being given to acceptance of individual earnings and pay cards and comprehensive payrolls in microfiche or computer output microfilm format only.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/85	
End Review	03/00/86	

Small Entity: Not Applicable

Agency Contact: David F. Peterson, Asst. Archivist for Federal Records Centers, National Archives and Records Administration, Washington, DC 20408, **202 724-1598**

RIN: 3095-AA15

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) Completed Actions

COMPLETED RULEMAKINGS

3139. RECORDS MANAGEMENT

CFR Citation: 41 CFR 101-11; 36 CFR Chapter XII

Completed:

Reason	Date	FR Cite
Final Action	06/28/85	50 FR 26930
Final Action Effective	06/28/85	50 FR 26930

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas **202 523-3214**

RIN: 3095-AA00

NARA

Completed Actions

3140. ESTABLISHMENT OF NARA REGULATIONS IN 36 CFR CHAPTER XII

CFR Citation: 41 CFR 101; 41 CFR 105; 36 CFR Chapter XII

Completed:

Reason	Date	FR Cite
Final Action	04/19/85	50 FR 15722
Final Action Effective	04/01/85	50 FR 15722

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas 202 523-3214

RIN: 3095–AA01

3141. DISPOSITION OF FEDERAL RECORDS

CFR Citation: 41 CFR 101-11.4; 36 CFR Chapter XII

Completed:

Reason	Date	FR Cite
Withdrawn	04/00/85	

Small Entity: Not Applicable

Agency Contact: Jean E. Keeting 202 724-1492

RIN: 3095–AA02

3142. NARA PRIVACY ACT, FOIA, AND OFFICIAL SEAL REGULATIONS

CFR Citation: 36 CFR 1200; 36 CFR 1202; 36 CFR 1250

Completed:

Reason	Date	FR Cite
Final Action	07/01/85	50 FR 27196
Final Action Effective	07/01/85	50 FR 27196

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas 202 523-3214

RIN: 3095–AA05

3143. CARE AND HANDLING OF MAGNETIC STORAGE MEDIA

CFR Citation: 41 CFR 201-36; 36 CFR Chapter XII

Completed:

Reason	Date	FR Cite
Included with RIN 3095-AA00	06/28/85	50 FR 26930

Small Entity: No

Agency Contact: Adrienne C. Thomas 202 523-3214

RIN: 3095–AA08

COMPLETED REVIEWS

3144. PROCEDURES FOR TRANSFER OF RECORDS TO FEDERAL RECORDS CENTERS

CFR Citation: 36 CFR 1228

Completed:

Reason	Date	FR Cite
End Review	05/31/85	

Small Entity: Not Applicable

Agency Contact: David F. Peterson 202 724-1614

RIN: 3095–AA04

[FR Doc. 85-20988 Filed 10-28-85; 8:45am]

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Part XXIX

National Capital Planning Commission

Semiannual Regulatory Agenda

NCPC

NATIONAL CAPITAL PLANNING COMMISSION

1 CFR Part 457

Semiannual Regulatory Agenda

AGENCY: National Capital Planning Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act, the Commission is publishing its regulatory agenda.

FOR FURTHER INFORMATION CONTACT: Katherine Barns Soffer, General Counsel, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576, (202) 724-0170.

August 12, 1985.

Katherine Barns Soffer,

General Counsel.

NATIONAL CAPITAL PLANNING COMMISSION (NCPC) — Current and Projected Rulemakings

3145. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE NATIONAL CAPITAL PLANNING COMMISSION PROGRAMS

Legal Authority: 20 USC 794 Sec. 504 of the Rehabilitation Act of 1973, as amend

CFR Citation: 1 CFR 47

Abstract: These regulations are designed to implement section 504 of the Rehabilitation Act of 1973, as amended, which requires each Executive agency to promulgate such regulations. The regulations are patterned on prototype regulations provided by the Department of Justice, under Executive Order 12280 (45 F.R. 72995, 3 CFR, 1980 Comp., p. 298)

Timetable:

Action	Date	FR Cite
NPRM	08/28/84	49 FR 34132
Final Action Awaiting Department of Justice (DOJ is coordinator)	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: **Katherine Barns Soffer**, General Counsel, National Capital Planning Commission, 1325 G Street, NW, Washington, DC 20576, **202 724-0170**

RIN: 3125-AA02

[FR Doc. 85-20989 Filed 10-28-85; 8:45 am]

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Part XXX

National Endowment for the Arts

Semiannual Regulatory Agenda

NEA

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506 or call (202) 682-5418.

Peter J. Basso,

Director of Administration, National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Current and Projected Rulemakings

3146. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEA

Significance: Agency Priority

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964; EO 12250

CFR Citation: 45 CFR 1110

Abstract: This regulation will be applicable only to the National Endowment for the Arts grantees. Modifications will be made in procedures and definitions. The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice and the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
NPRM	02/09/81	
NPRM Comment Period Begin	02/09/81	
NPRM Comment Period End	04/10/81	
NPRM	11/00/85	

Small Entity: Not Applicable

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 682-5418**

RIN: 3135-AA00

3147. COLLECTION OF CLAIMS

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 1150

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the Government. The amendments also implement government-wide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	11/30/85	

Small Entity: Not Applicable

Agency Contact: Mr. Arthur Warren, Office of the General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 682-5418**

RIN: 3135-AA01

3148. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 754

CFR Citation: 45 CFR 1153

Abstract: This final regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in programs or activities conducted by the National Endowment for the Arts. This regulation has been developed jointly by a number of Federal agencies under the auspices of the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	08/28/84	49 FR 34132
NPRM Comment Period Begin	08/28/84	
NPRM Comment Period End	12/26/84	
Awaiting DOJ action	00/00/00	

Small Entity: No

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 682-5418**

RIN: 3135-AA02

3149. NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Abstract: This final rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are issued pursuant to the requirements of the Age Discrimination Act and consistent with the general government-wide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period Begin	10/02/79	44 FR 56725
NPRM Comment Period End	11/15/79	

Action	Date	FR Cite
Interim Final Rule	11/00/85	

Small Entity: No

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 682-5418**

RIN: 3135-AA03

[FR Doc. 85-21499 Filed 10-28-85; 8:45am]

BILLING CODE 7537-01-T

federal register

Tuesday
October 29, 1985

Part XXXI

National Endowment for the Humanities

Semiannual Regulatory Agenda

NEH

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291, "Federal Regulations," dated February 17, 1981 the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Acting General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, (202) 786-0322.

John Agresto,

Acting Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Current and Projected Rulemakings

3150. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEH

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975

CFR Citation: 45 CFR 1172

Abstract: This regulation will prohibit discrimination on the basis of age in programs or activities receiving financial assistance from the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
NPRM	10/04/79	44 FR 57130
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Carol M. Gordon, Director, National Endowment for the Humanities, Office of Equal Opportunity, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 786-0410**

RIN: 3136-AA00

3151. NONDISCRIMINATION ON THE BASIS OF SEX

Legal Authority: 20 USC 1681 et seq Title IX of the Education Amendments of 1972

CFR Citation: 45 CFR 1171

Abstract: This regulation will prohibit discrimination on the basis of sex under any education program or activity receiving financial assistance from the National Endowment for the Humanities. The final regulation is being drafted and will need approval by the Department of Justice and the Office of Management and Budget before it can be published.

Timetable:

Action	Date	FR Cite
NPRM	06/20/80	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Carol M. Gordon, Director, National Endowment for the Humanities, Office of Equal Opportunity, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 786-0410**

RIN: 3136-AA01

3152. STATEMENT FOR THE GUIDANCE OF THE PUBLIC - ORGANIZATION, PROCEDURES AND AVAILABILITY OF INFORMATION

Legal Authority: 5 USC 552(a)(4)(A) Freedom of Information Act

CFR Citation: 45 CFR 1100

Abstract: The revised regulation will clarify the fees charged for document search and duplication. Information on the organization will be updated.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mr. Stephen J. McCleary, Acting General Counsel, National Endowment for the Humanities, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 786-0322**

RIN: 3136-AA03

3153. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 1175

Abstract: This regulation will require that the National Endowment for the Humanities operate all of its programs and activities so that qualified handicapped persons are not subject to discrimination by the agency. The National Endowment for the Humanities will publish its final regulation along with other federal agencies following review by the Justice Department, the lead federal agency for this matter.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1458
NPRM Comment Period Begin	01/11/84	49 FR 1458

Next Action Undetermined

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Ms. Carol M. Gordon, Director, Office of Equal Opportunity, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 786-0410**

RIN: 3136-AA04

3154. ● CLAIMS COLLECTION

Legal Authority: 31 USC 3711 Federal Claims Collection Act of 1966; 5 USC 552a Privacy Act; PL 97-365 Debt Collection Act of 1982

CFR Citation: 4 CFR 101 to 105

Abstract: This regulation will implement the Debt Collection Act of

1966 and the Debt Collection Act of 1982 and will improve the ability of the National Endowment for the Humanities to collect money it is owed. The regulations provide that the National Endowment for the Humanities may disclose information concerning an outstanding debt to a consumer reporting agency from a system or records. The regulations also provide for the agency to contract for private debt collection services. The regulations will provide for administrative offset as a means of collecting money owed to the Government. The regulations will require that debtors be given notice of claims, interest charges and the options available to the agency for recovery of outstanding debts.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Stephen J. McCleary, Acting General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0322

RIN: 3136-AA05

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Existing Regulations Under Review

3155. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN WITHIN NEH FUNDED PROGRAMS

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964; EO 12250

CFR Citation: 45 CFR 1175; 45 CFR 1110

Abstract: The regulation will be applicable only to National Endowment for the Humanities grantees. Modifications will be made in procedures and definitions. The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice, and the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 28 CFR 42 subpart F and Section 50.3 also apply.

Agency Contact: Ms. Carol M. Gordon, Director, Office of Equal Opportunity, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0410

RIN: 3136-AA02

[FR Doc. 85-20990 Filed 10-28-85; 8:45 am]

BILLING CODE 7536-01-T

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Tuesday
October 29, 1985

Part XXXII

National Science Foundation

Semiannual Regulatory Agenda

NSF

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 85-21, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Sukari S. Smith, Office of the General Counsel, National Science Foundation, Washington, D.C. 20550, (202) 357-9580.

August 22, 1985.

Sukari S. Smith,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Current and Projected Rulemakings

3156. CIVIL RIGHTS - TITLE VI REGULATIONS

Legal Authority: Section 11 of the NSF Act; Title VI of the Civil Rights Act of 1964

CFR Citation: 45 CFR 611

Abstract: These regulations prohibit discrimination on the basis of race, color, or national origin in all NSF-assisted programs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Brenda Brush,** Director, National Science Foundation, Office of Equal Opportunity, Washington, DC 20550, **202 357-9819**

RIN: 3145-AA01

3157. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NATIONAL SCIENCE FOUNDATION

Significance: Agency Priority

Legal Authority: 29 USC 794; PL 95-602, Sec 504

CFR Citation: 45 CFR 606, (New); 45 CFR 86

Abstract: This regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the National Science Foundation. Potential costs are not known. Any benefits derived will be to ensure that the handicapped will not be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the National Science Foundation.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/85	
ANPRM Comment Period Begin	10/01/85	
ANPRM Comment Period End	12/01/85	

Small Entity: No

Agency Contact: **Brenda Brush,** Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, **202 357-9819**

RIN: 3145-AA05

3158. EFFECTUATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1982 (SEX DISCRIMINATION)

Legal Authority: 20 USC 1681; PL 93-568, Sec 901 to 902; PL 93-380, Sec 844

CFR Citation: 45 CFR 620, (New)

Abstract: This regulation is to effectuate Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in connection with education programs and activities receiving Federal financial assistance from the National Science Foundation. Costs, if any, should be nominal since most NSF recipients are also covered by HHS regulations. Potential benefits are to ensure that any educational program or activity receiving financial assistance from NSF does not, on the basis of sex (1) exclude any person from participation in, (2) deny any person the benefits of, or subject any such person to discrimination under that program or activity.

Timetable:

Action	Date	FR Cite
Clearance with EEOC and Justice under Executive Order 12250	10/01/85	
ANPRM	12/01/85	
ANPRM Comment Period Begin	12/01/85	
ANPRM Comment Period End	02/01/86	

Small Entity: No

Agency Contact: **Brenda Brush,** Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, **202 357-9819**

RIN: 3145-AA06

3159. PATENTS

Legal Authority: 42 USC 1870(a) The Natl Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Abstract: The Bayh-Dole Act (34 USC 200 et seq) was recently amended by title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce is preparing a Government-wide implementing regulation. When that regulation is completed, the Foundation's Patents regulation (45 CFR 650) will be conformed to it. Because the revision to the NSF Patents regulation will merely echo a Government-wide regulation on which the public will have had no opportunity

to comment, the Foundation expects that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The notable changes to be made in the revision of the NSF Patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the Government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by the recent amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550, 202 357-9447

RIN: 3145-AA07

[FR Doc. 85-20991 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XXXIII

Office of Management and Budget

Semiannual Regulatory Agenda

OMB

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Directives Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB directives are issued under authority derived from several sources including: Subtitles I, II, and V of Title 31, United States Code, Executive Order No. 11541, and other specific authority as cited. The agenda includes actions on issuances which are not regulations, but which are of public interest.

OMB Circulars and OFPP Policy Letters are directives that communicate significant government-wide policy of a continuing nature. For purposes of this agenda, we have included Circulars and Policy Letters which are designed to implement, interpret, or prescribe law or policy, or describe the procedure or practice requirements of an agency. Excluded are directives that outline procedures to be followed in connection with the President's budget and legislative programs, and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Darrell A. Johnson at the above address.

Darrell A. Johnson,

Deputy Associate Director for Administration.

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Current and Projected Rulemakings

3160. OFFICE OF MANAGEMENT AND BUDGET'S DIRECTIVES SYSTEM TO EXECUTIVE DEPARTMENTS AND AGENCIES (CIRCULAR NO. A-1)

Legal Authority: See preamble

CFR Citation: Not applicable

Abstract: OMB Circular A-1, last revised in August 1952, describes the OMB directives system used to convey policy, provide guidance, and communicate instruction to executive departments and agencies.

Timetable:

Action	Date	FR Cite
Final Action	04/01/86	

Small Entity: No

Agency Contact: Darrell A. Johnson, Deputy Assoc. Dir. for Admin., Office of Management and Budget, Washington, D.C. 20503, **202 395-7250**

RIN: 0348-AA33

3161. USE OF MANAGEMENT AND OPERATING CONTRACTS (CIRCULAR NO. A-49)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: General policy on the use of management and operating contracts has been incorporated in the Federal Acquisition Regulation, subpart 17.6. There is no need to maintain coverage in a separate OMB Circular. Notice of recision will be published in the Federal Register to cancel this circular.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	
Preliminary Notice of Recission	10/00/85	
Final Notice of Recission	12/00/85	

Small Entity: Yes

Agency Contact: Robert Bienvenue, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA10

3162. PLANNING AND CONDUCT OF THE UNITED STATES PROGRAM IN ANTARCTICA (CIRCULAR NO. A-51)

Legal Authority: See preamble

CFR Citation: Not applicable

Abstract: Since 1971 when Circular A-51 was last revised, major reviews of the U.S. Antarctic program and policies have resulted in Presidential directives that have now superseded A-51. It has been determined that there is no longer a need for this Circular and it will be rescinded.

Timetable:

Action	Date	FR Cite
Circular to be rescinded	10/00/85	

Small Entity: No

Agency Contact: Norine Noonan, Program Analyst, Office of Management and Budget, Energy and Science Division, Washington, D.C. 20503, **202 395-3534**

RIN: 0348-AA46

3163. WRITING AND ADMINISTERING PERFORMANCE WORK STATEMENTS (PART II OF SUPPLEMENT TO CIRCULAR NO. A-76)

Legal Authority: PL 93-244, as amended; See preamble

CFR Citation: Not applicable

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management of commercial activities. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for public comment	12/01/85	
Final Action	04/03/86	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Adm. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA34

3164. PERFORMANCE OF COMMERCIAL ACTIVITIES (CIRCULAR NO. A-76)

Legal Authority: PL 93-244, as amended; PL 93-244; See preamble

CFR Citation: Not applicable

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under review to incorporate changes to emphasize productivity enhancement as the Circular's main theme.

Timetable:

Action	Date	FR Cite
Begin Review	09/15/84	
Draft for public comment	10/01/85	
Final Action	02/03/86	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA45

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Existing Regulations Under Review

3165. POLICIES ON CONSTRUCTION OF FAMILY HOUSING (CIRCULAR NO. A-18)

Legal Authority: Budget and Accounting Act of 1921; See preamble

CFR Citation: Not yet determined

Abstract: OMB Circular A-18, last revised in August 1967, sets forth policies for budgeting, planning, and undertaking the construction of federally-owned housing (exclusive of military barracks) for Federal personnel and for employees of Government contractors. Housing standards, concepts of living space requirements, the housing market and economic factors bearing on it have changed significantly since the Circular was last issued; and updating and revision are appropriate.

Timetable:

Action	Date	FR Cite
End Review	06/01/86	

Small Entity: No

Agency Contact: David F. Baker, Assoc. Admin. for Management Controls, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-7207**

RIN: 0348-AA08

3166. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Budget and Accounting Act of 1921; PL 93-344; See preamble

CFR Citation: Not applicable

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. This Circular is under review. It is expected that modifications will be considered reflecting current policies, enacted legislation, and court decisions.

Timetable:

Action	Date	FR Cite
Preliminary Review	05/15/86	

Small Entity: Yes

Agency Contact: Ellen Balis, Financial Economist, Office of Management and Budget, Fiscal Analysis Branch, Budget Review Division, Washington, D.C. 20503, **202 395-4574**

RIN: 0348-AA41

3167. UNIFORM REQUIREMENTS FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-102)

Legal Authority: 31 USC 65 et seq; 42 USC 4212 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Abstract: The purpose of the review is to develop changes to administrative policies which will further reduce the regulatory burden on state and local governments.

Timetable:

Action	Date	FR Cite
Advance Notice of Policy Review	06/18/84	49 FR 24958
Notice of Proposed Policy	12/31/85	

Small Entity: No

Agency Contact: Barbara F. Young-Kahlow, Grants Management Projects Director, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, **202 395-3050**

RIN: 0348-AA11

3168. MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: Some agencies report difficulty working under the Circular. A review, in light of experience gained, is warranted with a goal of revision and simplification while maintaining the current general policy thrust of A-109.

Timetable:

Action	Date	FR Cite
End Review	04/30/86	

Small Entity: Yes

Agency Contact: Robert Bienvenue, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA12

3169. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Abstract: The review will develop proposed changes to the Circular needed to call for "single audit" of universities.

Timetable:

Action	Date	FR Cite
Preliminary Review Completed	09/30/84	
End Review	00/00/00	

Small Entity: No

Agency Contact: John Lordan, Deputy Assoc. Dir. for Financial Management, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, 202 395-6823

RIN: 0348-AA05

3170. FEDERAL INFORMATION RESOURCES MANAGEMENT POLICIES

Legal Authority: 44 USC 35; 5 USC 552a; 40 USC 759; 31 USC 1 et seq; EO 12046; See preamble

CFR Citation: Not applicable

Abstract: In accordance with statutory requirements, the Office of Management and Budget has issued a number of policies regarding the management of Federal information resources such as computers and personal records. Implementation of the Paperwork Reduction Act, 44 USC 35, requires that the policies be brought up-to-date, integrated and made uniform. The Assistant Secretaries for Management group made a similar recommendation. The objective of this initiative is to develop a government-wide policy structure that will provide positive incentives for the efficient and effective management of Federal information resources.

Timetable:

Action	Date	FR Cite
Notice soliciting comments published	09/12/83	48 FR 40964
Proposed Policy published for comment	03/15/85	50 FR 10734
End Review	11/00/85	

Small Entity: No

Agency Contact: Timothy Sprehe, Office of Management and Budget, Information Policy Branch, Office of Information and Regulatory Affairs, Washington, D.C. 20503, 202 395-4814

RIN: 0348-AA31

3171. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103); PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: Not applicable

Abstract: The Directives give general policies for the gathering, compiling, analyzing, publishing, and dissemination of statistical information by the agencies in the Executive Branch of the Federal Government. The Directives are currently under review and may be replaced by an OMB circular. Affected agencies will be consulted on proposed changes as provided in E.O. 10253.

Timetable:

Action	Date	FR Cite
Proposed Revisions for public comment	01/01/86	

Small Entity: Yes

Agency Contact: Mark Winer, Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, 202 395-3087

RIN: 0348-AA43

3172. BOARD OF CONTRACT APPEALS - POSITION ALLOCATION PURSUANT TO PUBLIC LAW 95-563 (OFPP POLICY LETTER 79-2, SUPPLEMENT NO. 1)

Legal Authority: 41 USC 401 et seq; See preamble

CFR Citation: 00 CFR None

Abstract: The Contract Disputes Act provides for establishment of Boards of Contract Appeals (BCAs) in the various executive agencies; initial allocation of positions was made by the Administrator, OFPP, based on workload studies of existing BCAs. The Act provides for update of workload studies every three years; update of the Policy Letter appears necessary, due to update of workload studies.

Timetable:

Action	Date	FR Cite
Draft Policy Letter for comment	03/00/86	
Begin Review	06/00/86	
End Review	09/00/86	

Small Entity: No

Agency Contact: Patricia A. Szervo, Assoc. Admin. for Procurement Law and Legis., Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3501

RIN: 0348-AA16

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Completed Actions

COMPLETED RULEMAKINGS

3173. GOVERNMENT PUBLICATIONS (OMB CIRCULAR NO. A-3)

Legal Authority: 44 USC 1108; See preamble

CFR Citation: Not applicable

Abstract: The Circular, last revised in 1972, describes the policies and procedures for the reporting and approval of Government periodicals.

This revision clarifies definitions and simplifies reporting requirements by changing periodical approval from a one-to-five year to a one-year period. In addition to instituting an annual review and clearance process for periodicals, the revised Circular requires agencies to continue to implement an OMB-approved publications control system to monitor both periodicals and one-time publications.

Timetable:

Action	Date	FR Cite
Final draft for formal agency comment	02/06/85	
Final Action	05/02/85	
Final Action Effective	05/02/85	

Small Entity: No

Agency Contact: Kathleen Sedlak, Management Analyst, Office of Management and Budget, Management Improvement Division, Washington, D.C. 20503, **202 395-6905**

RIN: 0348-AA42

3174. MANAGEMENT OF FEDERAL AUDIOVISUAL ACTIVITIES (CIRCULAR NO. A-114)

Legal Authority: Budget and Accounting Act of 1921; See preamble

CFR Citation: Not applicable

Abstract: Circular A-114 was issued in April 1978. The Circular prescribes policies and procedures for improving the management of Federal audiovisual activities. Since the issuance of the Circular, several recommendations have been received (including two Comptroller General's decisions) regarding the need to revise the Circular, particularly Attachment E thereto, "Contracts for Motion Picture Productions." It is OMB's intent to review the Circular in response to the various recommendations and agencies' operating experiences.

Timetable:

Action	Date	FR Cite
End Review	03/01/85	
Final Action	03/20/85	
Final Action Effective	03/25/85	50 FR 11762

Small Entity: Yes

Agency Contact: Charles W. Clark, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6803**

RIN: 0348-AA13

3175. FEDERAL ACQUISITION REGULATIONS SYSTEM (OFPP POLICY LETTER 85-1)

Legal Authority: PL 93-400, Sec 4, 6, as amended; See preamble

CFR Citation: 00 CFR None

Abstract: The purpose of this Policy Letter is to implement certain requirements of the Office of Federal Procurement Policy Act (P.L. 93-400 as amended, 41 U.S.C. 401 et. seq.) concerning the definition and maintenance of the single system of simplified Government-wide procurement regulations. It also rescinds and replaces Policy Letter 80-5, dated July 10, 1980.

Timetable:

Action	Date	FR Cite
Proposed Policy Letter Changes published	07/06/84	49 FR 27863
Final Action	08/19/85	50 FR 34778
Final Action Effective	10/01/85	

Small Entity: Yes

Agency Contact: William J. Maraist, Acting Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3300**

RIN: 0348-AA19

COMPLETED REVIEWS

3176. POLICY PERTAINING TO THE ACQUISITION OF COMMERCIAL PRODUCTS

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: Existing policy has been reviewed and is adequate to ensure that agencies purchase commercial products whenever such products satisfy the Government's essential needs.

Timetable:

Action	Date	FR Cite
No Policy Letter will be issued	08/27/85	

Small Entity: Yes

Agency Contact: Charles W. Clark, Deputy Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6803**

RIN: 0348-AA39

[FR Doc. 85-23422 Filed 10-28-85; 8:45 am]

BILLING CODE 3110-01-T

federal register

Tuesday
October 29, 1985

Part XXXIV

Office of Personnel Management

Semiannual Regulatory Agenda

OPM

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for review or development from October 1, 1985 through September 30, 1986. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, Issuance System Manager, Office of Executive Administration, (202) 653-7252.

U.S. Office of Personnel Management.

Constance Horner,

Director.

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Current and Projected Rulemakings

3177. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
Final Action	12/30/85	

Small Entity: No

Agency Contact: **Walter Townsend,** Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Washington, DC 20415, **202 653-5557**

RIN: 3206–AA66

3178. PERSONNEL RECORDS

Legal Authority: 5 USC 552a; 5 USC 4305; 5 USC 4314; EO 12107 (December 28, 1978); 5 USC 1103; 5 USC 1104; 5 USC 1302; 3 CFR 1954 to 1958 Comp; 5 CFR 7.2; EO 9830; 3 CFR 1943 to 1948 Comp

CFR Citation: 5 CFR 293

Abstract: Requires agencies to send a transferring employee's performance ratings, 3 years old or less, to his or her "gaining" agency, along with the employee's Official Personnel Folder (OPF).

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	50 FR 35505
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Allen B. Levan,** Chief, Policy and Operations Division, Office of Personnel Management, Office of Performance Management, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, **202 632-5653**

RIN: 3206–AB27

3179. PERSONNEL RECORDS

Legal Authority: 5 USC 2951(2); EO 12107; EO 12196

CFR Citation: 5 CFR 293

Abstract: The Office recently established an Employee Medical File System for Federal employees that will include an Employee Medical Folder (EMF). This folder will be separate from but a companion folder to the Official Personnel Folder (OPF). These regulations, like the regulations on the OPF, provide minimal requirements on agencies with regard to use and maintenance of the EMF.

Timetable:

Action	Date	FR Cite
NPRM	04/17/85	50 FR 15158
Final Action	09/30/85	

Small Entity: No

Agency Contact: **William H. Lynch,** Information Specialist, Office of Personnel Management, Office of Workforce Information, Compliance and Investigations Group, 1900 E St., NW; Washington, DC 20415, **202 632-5433**

RIN: 3206–AC31

3180. AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: PL 89-554 Freedom of Information Act of 1966

CFR Citation: 5 CFR 294

Abstract: Agencies are required to publish fee schedules of charges for information under the Freedom of Information Act. We plan to review our fee schedule and update it to more accurately reflect the current costs of providing the information.

Timetable:

Action	Date	FR Cite
NPRM	10/19/82	47 FR 46516
Final Action	12/31/85	

Small Entity: No

Agency Contact: **William C. Duffy,** Chief, Information Systems Plans & Policies, Office of Personnel Management, Administration Group, Room 6410, 1900 E St., NW, Washington, DC 20415, **202 632-7714**

RIN: 3206–AA05

3181. PROTECTION OF PRIVACY AND PERSONNEL RECORDS

Legal Authority: 5 USC 552a

CFR Citation: 5 CFR 297

Abstract: The Privacy Act (5 U.S.C. 552a) requires agencies to issue regulations to implement the Act.

OPM's regulations also require that agencies follow OPM's rule for those records maintained by them that are under OPM's control. These regulations have remained unchanged since 1979 and thus need revision to reflect any changes resulting from case law or OPM policy and to remove unnecessary material.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	

Small Entity: No

Agency Contact: **John Sanet**, Information Specialist, Office of Personnel Management, Office of Workforce Information, Compliance and Investigations Group, 1900 E St., NW, Washington, DC 20415, **202 632-4455**

RIN: 3206-AA70

3182. EMPLOYMENT (GENERAL); EMPLOYMENT PRACTICES

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 3304

CFR Citation: 5 CFR 300

Abstract: Clarification of the policy and appeal procedures used in developing and implementing employment practices in the recruitment, measurement and selection of individuals for appointments and promotion within the competitive service. The proposed amendments would remove a non-statutory appeal procedure which was created to provide a simple, streamlined administrative review procedure but which has, instead, become a time-consuming, convoluted process. Additionally, the proposed changes would avoid a duplicative enforcement procedure currently subject to review by OPM and MSPB, which is, more properly, within the sole jurisdiction of the EEOC.

Timetable:

Action	Date	FR Cite
EEOC Coordination	01/01/86	
NPRM	02/01/86	

Small Entity: No

Agency Contact: **James S. Green**, Assistant General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, **202 632-5524**

RIN: 3206-AB41

3183. ● EMPLOYMENT (GENERAL); TIME-IN-GRADE RESTRICTIONS

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 300, Subpart F

Abstract: Regulations based on review of time-in-grade restrictions. Regulations will address inconsistencies and clarify certain provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: **Donald L. Holum**, Chief, Staffing Policy Analysis Division, Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, D.C. 20415, **202 632-6817**

RIN: 3206-AC01

3184. ● PERFORMANCE MANAGEMENT SYSTEM

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 3301; 5 USC 3302; 5 USC Ch 43; 5 USC Ch 45; 5 USC Ch 53; 5 USC Ch 54

CFR Citation: 5 CFR 300; 5 CFR 335; 5 CFR 430; 5 CFR 431; 5 CFR 531; 5 CFR 532; 5 CFR 771

Abstract: Proposed modifications to Performance Management System regulations that were published October 25, 1983, and implemented July 3, 1985. The regulations will be updated to make them more consistent with the regulations established for the Performance Management and Recognition System, mandated by title II of the Civil Service Retirement Spouse Equity Act of 1984, effective October 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	50 FR 35513
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Allen B. Levan**, Chief, Policy and Operations Division, Office of Personnel Management, Office of Performance Management, Workforce Effectiveness & Development Group, 1900 E St., NW; Washington, D.C. 20415, **202 632-5653**

RIN: 3206-AC62

3185. OVERSEAS EMPLOYMENT

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 301

Abstract: Deletes prohibition on agency use of overseas limited appointments in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33548
Final Action	12/00/85	

Small Entity: No

Agency Contact: **Ed McHugh**, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA71

3186. VETERANS READJUSTMENT APPOINTMENTS

Legal Authority: 38 USC 2014; PL 98-543

CFR Citation: 5 CFR 307

Abstract: Extends the Veterans Readjustment Appointment (VRA) Program through September 30, 1986 and makes certain improvements upon the current program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/03/85	50 FR 13172
Final Action	10/00/85	

Small Entity: No

Agency Contact: **Don A. Smith**, Chief, Evaluation Division, Office of Personnel Management, Office of Affirmative Employment Programs, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, **202 632-7082**

RIN: 3206-AB26

3187. TEMPORARY AND TERM EMPLOYMENT

Legal Authority: 38 USC 2014; PL 98-543

CFR Citation: 5 CFR 316

Abstract: Extends the temporary and term authorities for veterans readjustment appointment eligibles through September 30, 1986 and makes certain improvements upon the current program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/03/85	50 FR 13172
Final Action	10/00/85	

Small Entity: No

Additional Information: For Regulatory Program review of 5 CFR 316, see RIN 3206-AC63.

Agency Contact: Don A. Smith, Chief, Evaluation Division, Office of Personnel Management, Office of Affirmative Employment Programs, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, **202 632-7082**

RIN: 3206-AB25

3188. APPOINTMENT, REASSIGNMENT, TRANSFER, AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397

CFR Citation: 5 CFR 317

Abstract: Interim regulations to govern appointment actions in the SES, including establishment of qualifications standards, agency recruitment and selection procedures for career appointments, operations of OPM Qualifications Review Boards, and completion of the one-year probationary period for career appointees. Regulations are intended to set forth basic staffing requirements to assure compliance with merit system provisions and to implement staffing provisions of Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Wash., DC 20415, **202 653-5882**

RIN: 3206-AA09

3189. APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE (SES CAREER APPOINTMENT BY REINSTATEMENT)

Legal Authority: 5 USC 3593; 5 USC 3595

CFR Citation: 5 CFR 317, Subpart G

Abstract: Revised interim regulations on reinstatement to an SES career appointment following (a) voluntary separation from SES, or (b) separation from a Presidential appointment of a former SES career appointee. These reinstatements are authorized by law. The regulations set the procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/05/80	45 FR 80468
Revised Interim Rule	10/00/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Washington, DC 20415, **202 653-5882**

RIN: 3206-AA11

3190. ● GENERAL RECRUITMENT/PLACEMENT PRINCIPLES

Legal Authority: 5 USC 1302; 5 USC 3302; 5 USC 3315; 5 USC 3502

CFR Citation: 5 CFR 330; 5 CFR 351

Abstract: Proposed regulations based on review of Reemployment Priority List and Displaced Employee Program authorities. Regulations would focus on the need to provide assistance to employees in cutbacks.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Div., Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, D.C. 20415, **202 632-6817**

RIN: 3206-AC07

3191. PROMOTION AND INTERNAL PLACEMENT

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 335

Abstract: Proposed regulations to revise the Federal Merit Promotion Program to strengthen management rights, and clarify important concepts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Raleigh M. Neville, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E Street, NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA90

3192. QUALIFICATIONS REQUIREMENTS (MEDICAL)

Legal Authority: 5 USC 3301; 5 USC 3304; 5 USC 3312

CFR Citation: 5 CFR 339

Abstract: Proposed regulations to clarify procedures for establishing physical requirements for jobs and for documenting and processing disabilities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Raleigh Neville, Personnel Management Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E Street, NW, Washington, DC 20415, **202 632-6013**

RIN: 3206-AA91

3193. REDUCTION IN FORCE, IDENTIFICATION OF EMPLOYEES FOR TRANSFER OF FUNCTION

Legal Authority: 5 USC 1302; 5 USC 3503

CFR Citation: 5 CFR 351

Abstract: Changes needed to clarify OPM policy pertaining to a transfer of function and reflect pertinent MSPB decisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Tom Glennon, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW; Washington, DC 20415, **202 632-6817**

RIN: 3206-AC33

3194. ● REDUCTION IN FORCE

Legal Authority: 5 USC 1302; 5 USC 3502

CFR Citation: 5 CFR 351

Abstract: Proposed new regulations for crediting performance ratings in determining retention standing during reduction in force. Republishes October 25, 1983, regulations (which became effective July 3, 1985) with modifications; to afford interested parties the opportunity for public comment.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	50 FR 35506
Final Action	00/00/00	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Division, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-6817**

RIN: 3206-AC69

3195. REEMPLOYMENT RIGHTS FOR SES PERSONNEL

Legal Authority: 5 USC 3131; 5 USC 3301

CFR Citation: 5 CFR 352

Abstract: This regulation would extend reemployment rights under this part to SES personnel. The regulation is needed to correct an oversight which has resulted in the exclusion of SES members from coverage.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: John Schultz, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA18

3196. RESTORATION TO DUTY FROM MILITARY SERVICE AND INJURY COMPENSATION

Legal Authority: 38 USC 2021 et seq; 5 USC 8151

CFR Citation: 5 CFR 353

Abstract: Complete revision of Part 353 to update, simplify, and clarify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Raleigh Neville, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW; Washington, DC 20415, **202 632-6817**

RIN: 3206-AC34

3197. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 1302; 5 USC 3596

CFR Citation: 5 CFR 359

Abstract: Revised interim regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other than career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing previous law and the new Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44815
Revised Interim Rule	10/00/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Wash., DC 20415, **202 653-5882**

RIN: 3206-AA21

3198. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 3595; 5 USC 3596

CFR Citation: 5 CFR 359

Abstract: Interim regulations to add a new subpart to implement Pub. L. 97-35, August 13, 1981, as amended by Pub.L. 97-346, October 15, 1982, and Pub. L. 98-615, November 8, 1984, which added provisions to Title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction in force and with "fallback" rights following a RIF.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Comunications, 1900 E St., NW, Wash., DC 20415, **202 653-5882**

RIN: 3206-AA23

3199. TRAINING

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Abstract: Revision of regulations on determining the source of training to

reflect revision by Office of Management and Budget of Circular No. A-76 "Performance of Commercial Activities."

Timetable:

Action	Date	FR Cite
NPRM	11/30/85	

Small Entity: No

Agency Contact: Frank Masterson, Chief, Policy Branch, Office of Personnel Management, Office of Training and Development, 1121 Vermont Avenue, PO Box 7230, Washington, DC 20415, **202 632-6660**

RIN: 3206-AB23

3200. OVERSIGHT OF TRAINING PROGRAMS

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Abstract: Addition of a new section dealing with the Office of Personnel Management's oversight of agencies' management of their employee training programs under chapter 41 of title 5, United States Code.

Timetable:

Action	Date	FR Cite
NPRM	11/30/85	

Small Entity: No

Agency Contact: Constance Guitian, Personnel Management Specialist, Office of Personnel Management, Office of Training and Development, 1121 Vermont Avenue, NW, PO Box 7230, Washington, DC 20044, **202 254-3240**

RIN: 3206-AC35

3201. REDUCTION IN GRADE AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE

Legal Authority: 5 USC 4303; 5 USC 4305

CFR Citation: 5 CFR 432

Abstract: Proposed regulations to clarify certain aspects of existing regulations pertaining to procedures to follow in removing or reducing in grade employees whose performance is unacceptable.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Tim Dirks, Chief, Office of Personnel Management, Appellate Policies Division, 1900 E Street, NW, Washington, DC 20415, **202 653-8551**

RIN: 3206-AB21

3202. ● PRODUCTIVITY GAINSHARING

Legal Authority: 5 USC Ch 45; 5 USC Ch 54

CFR Citation: 5 CFR 451

Abstract: Provides agencies a regulatory framework for establishing productivity gainsharing programs. Provides that employees may be awarded up to 50 percent of the documented savings generated from a gainsharing program not to exceed 30 percent of an employee's annual rate of pay.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Kathleen Hohman, Program Specialist, Office of Personnel Management, Office of Performance Management, Workforce Effectiveness & Development Group, 1900 E St., N.W.; Washington, D.C. 20415, **202 632-5649**

RIN: 3206-AC71

3203. PERFORMANCE-BASED INCENTIVE SYSTEM FOR THE GENERAL SCHEDULE; DETERMINING RATE OF BASIC PAY

Legal Authority: 5 USC 5305(a); 5 USC 5334(a); 5 USC 5338; EO 11721

CFR Citation: 5 CFR 531, Subpart B

Abstract: Under current regulations, agencies may use an employee's highest previous rate as a Federal employee, updated to account for intervening pay adjustments, as the basis for paying a higher rate than otherwise would be required by law or regulation upon promotion, demotion, reassignment, transfer, or reemployment -- without regard to the recency of the employee's previous Federal work experience. Proposed regulations would limit the use of an employee's highest previous rate by establishing a reasonable relationship between the recency of an employee's previous work experience and the current employment situation. In addition, proposed regulations would revise the current regulations to conform to the principles of the Performance Based Incentive System and correct certain longstanding basic pay administration problems. Revision may also include technical and conforming changes in 5 CFR Parts 530 and 536.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Jan Karicher, Chief, Program Analysis Branch, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, **202 632-9677**

RIN: 3206-AA32

3204. PERFORMANCE-BASED INCENTIVE SYSTEM FOR THE GENERAL SCHEDULE; GRADE AND PAY RETENTION

Legal Authority: 5 USC 5334(a); 5 USC 5338; 5 USC 5365

CFR Citation: 5 CFR 531; 5 CFR 536

Abstract: Under current regulations, numerous pay administration problems exist in movements between Federal pay systems. For example, the method of determining entitlement to grade retention in movements between pay systems results in unnecessary expenditures of Federal funds and false expectations for affected employees. Proposed regulations would revise definitions of "promotion" and "demotion" to improve pay administration and minimize the number of employees entitled to grade retention in movements between pay systems. Revisions may also include technical and conforming changes in 5 CFR Parts 210, 351, and 532.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Bobby G. Williams, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4634**

RIN: 3206-AC36

3205. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Abstract: Comprehensive revision of regulations to ensure prevailing rates are consistent with the intent of the law, and to make necessary technical, terminological, and conforming changes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, 1900 E Street, NW, Washington, DC 20415, **202 632-7830**

RIN: 3206-AC38

3206. ● PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Abstract: Revision of Monroney regulations to limit the use of private sector specialized industry data obtained outside a wage area.

Timetable:

Action	Date	FR Cite
NPRM	10/08/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-7830**

RIN: 3206-AC59

3207. PAY UNDER OTHER SYSTEMS (PAY UNDER THE SES)

Legal Authority: 5 USC 5385

CFR Citation: 5 CFR 534, Subpart D

Abstract: Revised interim regulations on the payment of performance awards to career appointees in the Senior Executive Service to implement Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/83	48 FR 52025
Revised Interim Rule	09/24/85	50 FR 38634
Final Action	01/00/86	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Wash., DC 20415, **202 653-5882**

RIN: 3206-AB20

3208. PAY UNDER OTHER SYSTEMS (PAY UNDER THE SENIOR EXECUTIVE SERVICE)

Legal Authority: 5 USC 5383; 5 USC 5385

CFR Citation: 5 CFR 534

Abstract: Proposed regulations on setting individual basic pay under the SES. Regulations are needed to clarify the intent and application of 5 USC 5383(a) on changes in SES pay rates and to implement provisions in Pub. L. 98-615, November 8, 1984, on aggregate compensation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Washington, DC 20415, **202 653-5882**

RIN: 3206-AB29

3209. GRADE AND PAY RETENTION

Legal Authority: 5 USC 5365

CFR Citation: 5 CFR 536

Abstract: Under current regulations, Federal agencies have considerable discretion in determining whether to grant grade or pay retention to employees who are or might be affected by a reduction in force, reorganization, or other management action. Proposed regulations would limit and more clearly define those situations in which grade or pay retention appropriately may be used by agencies as a management tool.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Bobby G. Williams, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4634**

RIN: 3206-AC39

3210. ● GRADE AND PAY RETENTION; EFFECT OF GOVERNMENT-WIDE REDUCTION IN SCHEDULED RATES

Legal Authority: 5 USC 5361 to 5366

CFR Citation: 5 CFR 536

Abstract: Under current regulations it is not clear whether an employee is entitled to pay retention if there is a Government-wide reduction in scheduled rates, either by statute or as the result of an alternative plan submitted by the President under 5 U.S.C. 5305(c). Final regulations would specifically prohibit pay retention in this situation.

Timetable:

Action	Date	FR Cite
NPRM	05/16/85	50 FR 20422
Final Action	09/00/85	

Small Entity: No

Agency Contact: Jan B. Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-4634**

RIN: 3206-AC60

3211. PAY ADMINISTRATION (GENERAL) AND HOURS OF DUTY

Legal Authority: 5 USC 5548; 5 USC 6101

CFR Citation: 5 CFR 550; 5 CFR 610

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Edward I. Magee, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4634**

RIN: 3206–AC40

3212. PAY ADMINISTRATION (GENERAL); SEVERANCE PAY

Legal Authority: 5 USC 5595; EO 11228

CFR Citation: 5 CFR 550, Subpart G

Abstract: Under current regulations, the Federal Government spends too much on severance pay because of (1) lax controls over contractors in contracting-out situations, (2) a difference in eligibility requirements for discontinued service retirement and severance pay, and (3) a loophole that allows individuals to collect both severance pay and pay from a contractor if they go to work with the contractor more than 90 days after separation from Federal employment. Final regulations would place reporting requirements on Federal agencies in contracting-out situations, make the discontinued service retirement and severance pay eligibility requirements parallel, and terminate severance pay for those who accept contract employment within 52 weeks of separation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-9677**

RIN: 3206–AC41

3213. PAY ADMINISTRATION (GENERAL); COLLECTIONS BY OFFSET FROM INDEBTED GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 5514

CFR Citation: 5 CFR 550, Subpart K

Abstract: Final regulations would amend the definition of "Agency" for salary offset purposes to clarify the application of salary offset to legislative and judicial branch employees, as well as those employees in the executive branch.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	50 FR 18267
Final Action	10/00/85	

Small Entity: No

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4684**

RIN: 3206–AC42

3214. PAY ADMINISTRATION (GENERAL); COLLECTIONS BY OFFSET FROM INDEBTED GOVERNMENT EMPLOYEES; HEARINGS

Legal Authority: 5 USC 5514

CFR Citation: 5 CFR 550, Subpart K

Abstract: Some agencies have had difficulty arranging for a salary offset hearing official "not under the control of the head of the agency." Final regulations would prescribe a process for requesting hearing officers for salary offset hearings when agencies have not been able to make other arrangements.

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43619
Final Action	10/00/85	

Small Entity: No

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4684**

RIN: 3206–AC43

3215. PAY ADMINISTRATION (GENERAL); BACK PAY

Legal Authority: 5 USC 5596(c)

CFR Citation: 5 CFR 550, Subpart H

Abstract: The authority of Federal agencies to deduct from back pay awards the amount of State unemployment compensation received during periods covered by the award is clarified to require such a deduction to satisfy the "make-whole" purpose of the back pay law. In addition, proposed regulations would clarify the definition of other "erroneous payments" to be deducted from back pay awards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-9677**

RIN: 3206–AC44

3216. ● PAY ADMINISTRATION (GENERAL); COLLECTIONS BY OFFSET FROM INDEBTED GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 5514

CFR Citation: 5 CFR 550, Subpart K

Abstract: Final regulations would amend procedures for requesting salary offset when the creditor agency and the current paying agency are not the same. The change is necessary to permit agencies to proceed with the collection of debts that have been duly certified and are awaiting collection.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Frank Derby, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4634**

RIN: 3206–AC64

3217. PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Legal Authority: 29 USC 204F; 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Abstract: Proposed new regulation to implement the FLSA Compliance Program and simplify the FLSA claims handling process.

Timetable:

Action	Date	FR Cite
NPRM	03/01/86	

Small Entity: No

Agency Contact: Terry Evans, Personnel Management Specialist, Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., NW, Washington, DC 20415, **202 632-5691**

RIN: 3206-AA40

3218. PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

Legal Authority: 29 USC 204(f)

CFR Citation: 5 CFR 551

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Dwight W. Brown, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4634**

RIN: 3206-AC45

3219. ● PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT: EXEMPTIONS

Legal Authority: 29 USC 204f

CFR Citation: 5 CFR 551

Abstract: Proposed regulations to afford interested parties the opportunity to comment on final rules on FLSA exemption criteria published October 25, 1983, which became effective July 3, 1985. The rules will be republished for user convenience.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	50 FR 35529
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael Clogston, Chief, Compliance Division, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-5691**

RIN: 3206-AC70

3220. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Legal Authority: 42 USC 659; 42 USC 661 to 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Abstract: Update regulation in response to ongoing suggestions and corrections, especially changes to Appendix A which contains an obsolete list of agents designated to accept legal process.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Murray Meeker, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Room 5H30, Washington, DC 20415, **202 632-4518**

RIN: 3206-AB42

3221. ALLOWANCES AND DIFFERENTIALS; COST OF LIVING ALLOWANCE AND POST DIFFERENTIAL--NONFOREIGN AREAS

Significance: Regulatory Program

Legal Authority: 5 USC 5941; EO 10000

CFR Citation: 5 CFR 591, Subpart B

Abstract: Comprehensive revision of regulations to reflect new methodology used to establish nonforeign cost-of-living allowances. (See Alaniz v. Office of Personnel Management, 728 F. 2d 1460 (Fed. Cir. 1984).)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Barry E. Shapiro, Chief, Allowances and Special Rates Division, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, **202 632-7858**

RIN: 3206-AB34

3222. HOURS OF DUTY; FLEXIBLE AND COMPRESSED WORK SCHEDULES

Legal Authority: 5 USC 6133

CFR Citation: 5 CFR 610, Subpart D

Abstract: The current flexible and compressed work schedules law expires September 30, 1985. Regulations will be needed to implement a new program or to terminate the current program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/85	

Small Entity: No

Agency Contact: Edward I. Magee, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4634**

RIN: 3206-AC46

3223. ABSENCE AND LEAVE; ANNUAL AND SICK LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subparts A to E

Abstract: Revision of annual and sick leave regulations is necessary to update, improve, and refine the current regulations to ensure appropriate and consistent application of leave administration policies within all Federal agencies. Proposed rules would (1) add new rules to improve leave administration, (2) revise the current rules for clarification and consistency, and (3) reorganize the sections with the subparts in a more logical sequence. These and other changes, such as regulating a consistent and equitable method of liquidating leave indebtedness and revising the requirement to forgive leave indebtedness, would resolve some troublesome leave issues, improve leave administration, and result in cost savings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: June Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, **202 632-4634**

RIN: 3206-AA44

3224. ABSENCE AND LEAVE; RECREDIT OF LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart E

Abstract: Proposed regulations to extend the 3-year limitation on recrediting sick leave for dependents of civilian and military personnel who leave Federal employment to accompany their sponsors on overseas assignments. This amendment would alleviate the hardship and inequity many career employees suffer because of the limited number of Federal positions that are available to dependents overseas. This change would complement E.O. 12362, which authorizes certain placement benefits for dependents when they return from overseas.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: June Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AB63

3225. ABSENCE AND LEAVE; HOME LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart F

Abstract: Proposed regulations to (1) clarify and eliminate discrepancies in application, (2) incorporate changes required by the Foreign Service Act of 1980, and (3) revise the accrual rates. Under current regulations, employees with desirable overseas assignments receive the same benefits as those on hardship assignments. Proposed regulations would relate home leave to the degree of hardship.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: June Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street,NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AB64

3226. ABSENCE AND LEAVE; SHORE LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart G

Abstract: Proposed regulations would recognize changed conditions since enactment of the shore leave law, prohibit inappropriate use of terminal shore leave, and eliminate discrepancies in application.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: June Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AB65

3227. ABSENCE AND LEAVE; COVERAGE OF D.C. GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 6311; DC Law 2-139, as amended

CFR Citation: 5 CFR 630

Abstract: Current regulations contain obsolete references to D.C. government employees, who are no longer covered by chapter 63 of title 5 of the United States Code. Final regulations would delete these obsolete references.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 7922
Final Action	10/00/85	

Small Entity: No

Agency Contact: June Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC47

3228. AFFIRMATIVE EMPLOYMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 5 USC 7201; PL 89-554; PL 95-454; 5 USC 7151; 38 USC 2014

CFR Citation: 5 CFR 720

Abstract: Revises Part 720 to reflect: elimination of any requirement that is not specifically required by law and is administratively burdensome; less emphasis on paperwork/plan and statistical reporting requirements and more on implementing effective recruiting efforts; and more emphasis on agency accountability and flexibility for the development, implementation, and evaluation of agency recruiting programs.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert Franco, Chief, Technical Assistance & Operations Division, (202) 632-5607.

Agency Contact: Don A. Smith, Chief, Evaluation Division, Office of Personnel Management, Office of Affirmative Employment Programs, Workforce Effectiveness & Development Group, 1900 E St., NW, Wash. DC 20415, 202 632-7082

RIN: 3206-AB06

3229. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577 3 CFR, 1954-1958 Comp. p. 218; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recission of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	01/01/86	

Small Entity: No

Agency Contact: JoAnn Chabot, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW, Room 5H22, Washington, DC 20415, 202 632-7746

RIN: 3206-AA47

3230. EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Legal Authority: 5 USC App 207(a); PL 95-521

CFR Citation: 5 CFR 734

Abstract: Proposed new regulation to supersede portions of 5 CFR Part 735 dealing with confidential financial disclosure for grades below GS-16.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gary Davis, Staff Attorney, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-7642**

RIN: 3206-AA93

3231. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: EO 11222; PL 95-521

CFR Citation: 5 CFR 735

Abstract: Amends portions of final regulation, 5 CFR Part 735, to clarify and update general provisions dealing with employee conduct.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action undetermined.

Agency Contact: Jane Ley, Staff Attorney, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-0569**

RIN: 3206-AB66

3232. POST EMPLOYMENT CONFLICT OF INTEREST

Legal Authority: 18 USC 207; PL 95-521

CFR Citation: 5 CFR 737

Abstract: Proposed technical and conforming regulations to clarify the post employment rules.

Timetable:

Action	Date	FR Cite
NPRM	10/15/85	

Small Entity: No

Agency Contact: Gary Davis/Jane Ley, Staff Attorneys, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-7642**

RIN: 3206-AB12

3233. ● POST EMPLOYMENT CONFLICT OF INTEREST; 1985 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Abstract: Final regulation to meet the annual requirement to designate senior employees (for CY 1985) who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: No

Agency Contact: Gary Davis/Bob Flynn, Staff Attorney/Management Analyst, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, D.C. 20044, **202 632-7642**

RIN: 3206-AC57

3234. ADVERSE ACTIONS (REGULATORY REQUIREMENTS FOR TAKING ADVERSE ACTIONS UNDER THE SENIOR EXECUTIVE SERVICE)

Legal Authority: 5 USC 7543

CFR Citation: 5 CFR 752, Subpart F

Abstract: Revised interim regulations on (1) suspensions for more than 14 days and (2) removal from the civil service of SES career appointees. These actions were authorized by Pub. L. 95-454 (October 13, 1978), which was amended by Pub. L. 97-35 (August 13, 1981) and Pub. L. 98-615 (November 8, 1984). The regulations establish procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44818
Revised Interim Rule	10/00/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Wash., DC 20415, **202 632-5882**

RIN: 3206-AA50

3235. ● ADVERSE ACTIONS

Legal Authority: 5 USC 7504; 5 USC 7514

CFR Citation: 5 CFR 752

Abstract: Revisions to clarify certain aspects of existing regulations pertaining to the coverage of certain actions and employees under 5 USC chapter 75.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Tim Dirks, Chief, Appellate Policies Division, Office of Personnel Management, Office of Policy and Communications, 1900 E Street, N.W., Washington, D.C. 20415, **202 653-8551**

RIN: 3206-AC23

3236. RETIREMENT; AGENCY REQUESTS TO OPM FOR RECOVERY OF A DEBT FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Legal Authority: 5 USC 8347; 31 USC 3716

CFR Citation: 5 CFR 831, Subpart R

Abstract: Final regulations to prescribe procedures for submitting agency claims for recovery of an indebtedness against benefits due from the Civil Service Retirement System. Regulations are required as part of resolution of Rhinehart v. Seneca, et al., which recognized the need to give debtors due process rights.

Timetable:

Action	Date	FR Cite
NPRM	01/04/85	50 FR 473
Final Action	10/00/85	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 4 CFR Sec. 101.1 et seq. also applies.

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, **202 632-4684**

RIN: 3206-AA52

3237. RETIREMENT; LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

Legal Authority: 5 USC 8347; 5 USC 8336(c)

CFR Citation: 5 CFR 831, Subpart I

Abstract: Current regulations do not adequately articulate the criteria for determining whether an employee meets the statutory definition of "law enforcement officer" or "firefighter." Proposed regulations would clarify the criteria used by OPM to establish eligibility of employees under the special retirement provisions for law enforcement officers and firefighters.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Ray Kirk, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4684**

RIN: 3206-AB09

3238. RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	02/00/86	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4684**

RIN: 3206-AB35

3239. RETIREMENT, FEDERAL EMPLOYEES' GROUP LIFE INSURANCE, AND FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Legal Authority: 5 USC 8347(a); 5 USC 8716(a); 5 USC 8913(a)

CFR Citation: 5 CFR 831; 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 890

Abstract: Some Federal entities are often late in making payment to the Retirement, Life Insurance, and Health Benefits Funds. These late payments cause a loss of interest income to those funds. Proposed regulations would permit OPM to charge interest on late payments. This would encourage prompt payment to make the funds whole.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4684**

RIN: 3206-AB67

3240. RETIREMENT; ORDER OF PRECEDENCE FOR STATUTORY WITHHOLDINGS FROM ANNUITY

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart A

Abstract: Regulations to improve administration of the Civil Service Retirement and Disability Fund by establishing a uniform order of precedence for purposes of offsetting civil service annuity benefits to satisfy statutory obligations, such as state income tax withholding requests and court orders directing apportionment or garnishment of such benefits. Proposed regulations would consolidate disparate rules and practices which have developed for determining the net annuity available for offset for various purposes.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Doris Reeves, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4684**

RIN: 3206-AB70

3241. RETIREMENT; CREDIT FOR SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart C

Abstract: Proposed regulations would specify the conditions for finding that an individual is a Federal employee for civil service retirement purposes, including the very limited exceptions to the general rule that a contract with the Government does not confer "employment" rights.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: John Landers, Chief, Technical Analysis Branch, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4684**

RIN: 3206-AB71

3242. RETIREMENT; CREDIT FOR UNUSED SICK LEAVE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart C

Abstract: Unused sick leave at time of retirement is added to service credit for computation of annuity. Full-time employees receive one day of credit for eight hours of sick leave. Part-time employees receive more than one day of credit for eight hours of sick leave, on a prorated basis. Proposed regulations would treat full-time and

part-time employees equally. All employees would receive one day of retirement credit for eight hours of unused sick leave.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: **John Landers**, Chief, Technical Analysis Branch, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4684**

RIN: 3206–AB72

3243. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts C and U

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: **Mary Angel**, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4684**

RIN: 3206–AB73

3244. RETIREMENT; SURVIVOR BENEFITS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart F

Abstract: Regulations to require a retiring employee or Member, who elects a reduced annuity with survivor benefit for a person having an insurable interest, to pay the cost of providing medical evidence to show such employee or Member is in good health. Under past practice, OPM paid for these medical examinations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: **Jane Lohr**, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4684**

RIN: 3206–AB74

3245. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Significance: Regulatory Program

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subparts F, Q, and T

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 must be fully implemented by May 7, 1985. Interim regulations would include provisions for new benefits available to former spouses of deceased Federal Employees and provisions governing survivor benefits for current spouses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Final Action	11/00/85	

Small Entity: No

Additional Information: Francis J. Derby, Pay and Benefits Specialist, (202) 632-4634

Agency Contact: **Harold Siegelman**, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4684**

RIN: 3206–AB75

3246. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM'S authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: **Raymond Sparnon**, Paralegal Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4684**

RIN: 3206–AB77

3247. RETIREMENT; RECOVERY OF ANNUITY OVERPAYMENTS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart M

Abstract: Proposed regulations to add further guidelines on debt collection activities under the Debt Collection Act of 1982. Current regulations need to be expanded to (1) exclude collections made by Treasury under 31 CFR 210.10 from OPM procedures for recovery of debts, and (2) add provisions for collecting debts due the Civil Service Retirement Fund from a deceased debtor.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: **Patricia A. Rochester**, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4684**

RIN: 3206–AB78

3248. RETIREMENT; ORDER OF PRECEDENCE FOR APPLICATION OF SERVICE CREDIT DEPOSITS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart V

Abstract: Current regulations do not state the order in which service credit deposits will be applied. Proposed regulations would specify an order of precedence for applying such deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-4684**

RIN: 3206–AB79

3249. RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: Incorporates previous RIN 3206-AB69, "Retirement; Definitions."

Agency Contact: John Landers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4684**

RIN: 3206–AC28

3250. ● RETIREMENT; EXCLUSIONS FROM RETIREMENT COVERAGE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart B

Abstract: Regulations to eliminate confusion among agencies on certain exceptions to the exclusions from civil service retirement coverage. Regulations would amend the current exceptions to exclusions from civil service retirement coverage to permit such coverage in all cases of career and career-conditional appointment, regardless of whether the employee would otherwise be excluded from coverage, i.e., an intermittent employee.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Doris Reeves, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W.; Washington, D.C. 20415, **202 632-4684**

RIN: 3206–AC72

3251. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Agatha W. Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206–AB80

3252. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM; ASSIGNMENT OF LIFE INSURANCE BY FEDERAL JUDGES

Legal Authority: PL 98-353, Sec 208

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 874

Abstract: Regulations to implement section 208 of Pub. L. 98-353, which permits Federal judges to assign their Federal Employees' Group Life Insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/85	50 FR 8095
Final Action	11/00/85	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206–AB82

3253. ● FEDERAL EMPLOYEES GROUP LIFE INSURANCE; CANCELLATION OF WAIVER

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872

Abstract: Elimination of the under-age-50 requirement for cancellation of a waiver of insurance coverage under the Federal Employees' Group Life Insurance program. Under the proposed regulations, an employee who has waived insurance coverage may cancel the waiver and become insured at any age if at least one year has elapsed since the effective date of the waiver and if the employee provides satisfactory evidence of insurability.

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34707
Final Action	12/00/85	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, N.W., Washington, D.C. 20415, **202 254-7052**

RIN: 3206–AC61

3254. ● FEDERAL EMPLOYEES' GROUP LIFE INSURANCE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870

Abstract: Deletes obsolete provision that automatically cancels designation of beneficiaries (1) when employee transfers (except by mass transfer) from one agency to another, and (2) 31 days after employee's insurance coverage terminates.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Agatha Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E Street,NW; Washington DC, 20415, **202 632-0003**

RIN: 3206–AC65

3255. ● FEDERAL LIFE INSURANCE AND HEALTH BENEFITS; RESTORED DISABILITY ANNUITANTS

Legal Authority: 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 890

Abstract: Final regulations to implement the provisions of Pub. L. 99-53, which restores health benefits and life insurance coverage to restored disability annuitants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Agatha Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E Street, NW; Washington, DC 20415, **202 632-0003**

RIN: 3206-AC66

3256. ● FEDERAL LIFE INSURANCE AND HEALTH BENEFITS; REIMBURSEMENT FOR UNDERDEDUCTIONS

Legal Authority: 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 890

Abstract: Proposed regulations to require reimbursement to the health benefits and life insurance funds for any underdeductions from pay, annuity, or compensation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Agatha Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E Street, NW; Washington, DC 20415, **202 632-0003**

RIN: 3206-AC67

3257. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; DISPUTED CLAIMS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart A

Abstract: Regulations to improve the administrative process used by the FEHBP to resolve disputed health insurance claims. The regulations would strengthen OPM's control over the disputed claims process and would result in more efficient plan and OPM reviews.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50404
Final Action	10/30/85	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-0003**

RIN: 3206-AB37

3258. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB83

3259. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TERMINATION OF ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart A

Abstract: Proposed regulations to extend OPM'S authority to terminate an individual's enrollment in an FEHB group practice comprehensive medical plan to include individual practice comprehensive medical plans.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB84

3260. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; HEALTH BENEFITS PLANS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart B

Abstract: Proposed regulations to clarify the criteria used by OPM in reviewing applications from comprehensive medical plans seeking to participate in the Federal Employees Health Benefits Program. Regulations would focus on the plan's compliance with state licensing and operating requirements and with Federal procurement regulations, health plan management, marketing, quality of the health care delivery system, and financial condition.

Timetable:

Action	Date	FR Cite
NPRM	10/30/85	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB86

3261. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REGISTRATION AND ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Abstract: Proposed Regulations to allow an employee or annuitant to change to self and family coverage if a non-federally employed spouse or former spouse loses non-Federal health insurance coverage under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: **Barbara Myers**, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB87

3262. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Abstract: Proposed regulations to reflect established OPM practice of allowing surviving family members to continue FEHBP participation under multiple enrollments in split-award survivor annuity cases. If multiple enrollments are not allowed, certain eligible family members might lose FEHBP coverage.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: **Barbara Myers**, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB88

3263. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8913; PL 98-615

CFR Citation: 5 CFR 890, Subparts C and H

Abstract: Regulations to implement amendments to the Federal Employees Health Benefits (FEHB) law under the Civil Service Retirement Spouse Equity Act of 1984. This law allows certain former spouses of civil service employees and retirees to enroll in an FEHB plan, provided the former spouse agrees to pay the full cost of such health insurance coverage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/85	50 FR 24757
Final Action	10/00/85	

Small Entity: No

Agency Contact: **Mary Ann Mercer**, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB89

3264. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; RESERVE MANAGEMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890.503

Abstract: Amendments to current regulations to provide clear notice to carriers of all health plans participating in the Federal Employees Health Benefits Program of specific goals for accumulation of health plan reserve funds and authorized uses for any excess reserves.

Timetable:

Action	Date	FR Cite
NPRM	08/09/85	50 FR 32207
Final Action	10/00/85	

Small Entity: No

Agency Contact: **John Ray**, Pay and Benefits Specialist, Office of Personnel Management, Compensation Group, 1900 E Street, NW, Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AC25

3265. PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) ADMINISTRATIVE LAW JUDGES

Legal Authority: 5 USC 553-9; 5 USC 1104(a)(2); 5 USC 1305; 5 USC 3105; 5 USC 3344; 5 USC 4301(2)(d); 5 USC 5335(a)(3)(B); 5 USC 5372; 5 USC 7521

CFR Citation: 5 CFR 930, Subpart B

Abstract: Update and clarification of OPM regulations governing examining and employment of Administrative Law Judges. These regulations have not been reviewed as a whole for many years and contain out-of-date terminology.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: **Craig B. Pettibone**, Assistant Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-5677**

RIN: 3206-AB91

3266. ● SOLICITATION OF FEDERAL CIVILIAN AND UNIFORMED SERVICES PERSONNEL FOR CONTRIBUTIONS TO PRIVATE VOLUNTARY CHARITABLE ORGANIZATIONS

Legal Authority: EO 12353; EO 12404

CFR Citation: 5 CFR 950

Abstract: The regulation published in 1984 amended to conform to Executive Order 12404, Charitable Fund-Raising, recently upheld in Cornelius v. NAACP Legal Defense and Educational Fund, Inc., No. 84-312 (U.S. July 2, 1985). The new regulation simplifies campaign administration and should enable charitable solicitation to be conducted efficiently in the Federal workplace.

Timetable:

Action	Date	FR Cite
NPRM	08/22/85	50 FR 33960
Final Action	11/00/85	

Small Entity: No

Agency Contact: **Richard A. Ong**, Deputy Assistant General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, **202 632-4632**

RIN: 3206-AC58

3267. FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATIONS

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 5 USC 8913

CFR Citation: 48 CFR 16

Abstract: Regulations to reflect contracting policy and procedures for the Federal Employees Health Benefits Program (FEHBP) that deviate from the Federal Acquisition Regulations (FAR) or that are needed to supplement the FAR to satisfy special program needs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-0003**

RIN: 3206-AB07

3268. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR Chapter 1

CFR Citation: 48 CFR 17

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: Robert Lawshe, Chief, Acquisition Branch, Office of Personnel Management, Acquisition Branch, Room 1466, 1900 E Street, NW, Washington, DC 20415, **202 254-8492**

RIN: 3206-AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Existing Regulations Under Review

3269. POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

Legal Authority: 5 USC 1302; 5 USC 1501 to 1508, as amended

CFR Citation: 5 CFR 151

Abstract: Comprehensive review of regulations to ensure consistency with Intergovernmental Personnel Act and related guidelines as appropriate. The review will address inadequacies created by overlap with Intergovernmental Personnel Act regulations.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: Joseph A. Morris, General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-4632**

RIN: 3206-AB93

3270. ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

Legal Authority: 28 USC 2672

CFR Citation: 5 CFR 177

Abstract: Review of procedures for processing claims under the Federal Tort Claims Act (FTCA). The review will explore avenues for reducing costs to government through subrogation.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: Joseph A. Morris, General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-4632**

RIN: 3206-AB94

3271. EMPLOYEES' PERSONAL PROPERTY CLAIMS

Legal Authority: Sec. 3, 78 Stat. 767, as amended; 31 USC 241

CFR Citation: 5 CFR 180

Abstract: Comprehensive review of regulations to (1) address ambiguities in rules applicable to employee responsibilities, and (2) consider requiring reimbursed employees to surrender items for which value has been paid to the agency for donation to charity. Regulatory action will enhance various charities' ability to collect items for their use and clarify employee responsibilities to avoid inadvertent violations of law and regulations.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: Joseph A. Morris, General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-4632**

RIN: 3206-AB95

3272. SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 3132

CFR Citation: 5 CFR 214

Abstract: Review of the general regulatory provisions of the Senior Executive Service. Review will take into account legislative changes to the Senior Executive Service since the Civil Service Reform Act of 1978.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	12/31/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy and Communications, 1900 E Street, N.W., Washington, D.C. 20415, **202 653-5882**

RIN: 3206-AB98

3273. PERSONNEL RECORDS - PERSONNEL RECORDS SUBJECT TO THE PRIVACY ACT

Legal Authority: 5 USC 552a; EO 12107; 5 USC 1302; EO 9830

CFR Citation: 5 CFR 293, Subpart B

Abstract: Review of records subject to the Privacy Act. Regulatory action may be needed to maintain consistency with proposed changes in Privacy Act

Regulations, 5 CFR 297. (5 CFR 297 is being amended to reflect case law.)

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-4426**

RIN: 3206–AC00

3274. EXECUTIVE ASSIGNMENT SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Abstract: Review of regulations on executive assignment system (GS-16/18). Regulations need to be reviewed in light of the establishment of the Senior Executive Service, which incorporated most GS-16/18 positions, and delegations to agencies under the CSRA.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	12/31/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy and Communications, 1900 E Street, N.W., Washington, D.C. 20415, **202 653-5882**

RIN: 3206–AC03

3275. ● TEMPORARY AND TERM EMPLOYMENT

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 316

Abstract: Review of special authorities for the appointment of Federal employees on a non-permanent basis to determine whether to subject them to the basic requirements for making such appointments in 5 CFR 316. The review will also determine whether there is a need to make general changes to 5 CFR 316 as these relate to an agency's flexibility to manage its workforce.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	12/00/85	

Small Entity: No

Additional Information: Formerly listed under RIN 3206-AB25.

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Div., Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, D.C. 20415, **202 632-6817**

RIN: 3206–AC63

3276. APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 3397; PL 95-454, Sec 413(k)

CFR Citation: 5 CFR 317, Subparts B and C

Abstract: Review of regulations on general provisions pertaining to the Senior Executive Service and conversion to the SES. Regulations may need to be revised to take into account legislative changes to the Senior Executive Service since the 1979 conversion.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	12/31/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy and Communciations, 1900 E Street, N.W., Washington, D.C. 20415, **202 653-5882**

RIN: 3206–AC06

3277. EXECUTIVE AND MANAGEMENT DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412, Subparts A and E

Abstract: Review of executive and management development program authority for possible reconstructing.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	12/01/85	

Small Entity: No

Agency Contact: Frank Masterson, Chief, Policy Branch, Office of Personnel Management, Office of Training and Development, WED, 1121 Vermont Avenue, P.O. Box 7230, Washington, D.C. 20415, **202 632-6660**

RIN: 3206–AC12

3278. PERSONNEL MANAGEMENT RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

Legal Authority: 5 USC 4701; 5 USC 4703; 5 USC 4705; 5 USC 4706

CFR Citation: 5 CFR 470

Abstract: Review of OPM oversight responsibility for administering demonstration projects. The review will address possible clarification of OPM's oversight role.

Timetable:

Action	Date	FR Cite
Begin Review	09/19/85	
End Review	09/30/86	

Small Entity: No

Agency Contact: Kathleen Connelly, Chief, Research and Demonstration Staff, Office of Personnel Management, Workforce Effectiveness & Development Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 653-9457**

RIN: 3206–AC13

3279. CLASSIFICATION UNDER THE GENERAL SCHEDULE

Significance: Regulatory Program

Legal Authority: 5 USC 5115; 5 USC 5338; 5 USC 5351

CFR Citation: 5 CFR 511, Subparts A and B

Abstract: Review of white collar classification requirements. Comprehensive study now underway of classification system for white collar jobs is expected to identify need for desirable regulatory changes.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	01/00/86	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Div., Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AC29

3280. PERFORMANCE-BASED INCENTIVE SYSTEM FOR THE GENERAL SCHEDULE; PAY ADJUSTMENTS FOR SUPERVISORS

Legal Authority: 5 USC 5333(b)

CFR Citation: 5 CFR 531, Subpart C

Abstract: Under current regulations, General Schedule supervisors of wage employees may receive an adjustment in basic pay to exceed the rate paid wage employees under their supervision. This adjustment, however, is permanent. No reduction is permitted even if the conditions prompting the adjustment no longer exist. OPM is reviewing the current regulations to determine whether revisions are appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	08/01/85	
End Review	12/31/85	

Small Entity: No

Agency Contact: Ronald Clark, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, **202 632-4634**

RIN: 3206-AC37

3281. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Abstract: Review of existing wage schedule for U.S. citizens overseas to ensure currency of wage rates.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	04/00/86	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, 1900 E Street, NW, Washington, DC 20415, **202 632-7830**

RIN: 3206-AC17

3282. SUITABILITY -- SUITABILITY DISQUALIFICATIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subpart B

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidentially directed task force will likely result in the need for conforming changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, **202 632-4426**

RIN: 3206-AC19

3283. SUITABILITY -- SUITABILITY RATING ACTIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subpart C

Abstract: Review of subject-to-investigation time limit to determine whether the time limit is inadequate.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	10/01/85	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, **202 632-4426**

RIN: 3206-AC20

3284. PERSONNEL SECURITY AND RELATED PROGRAMS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Abstract: Review of suitability security distinctions. Evidence of inconsistent application of security/suitability standards among agencies points up the need for clarifying regulations.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, **202 632-4426**

RIN: 3206-AC21

3285. EMPLOYEE CONDUCT AND RESPONSIBILITIES

Legal Authority: EO 11222

CFR Citation: 5 CFR 735

Abstract: Review of Part 735 for purposes of (a) removing sections that are not part of the authorized functions of the Office of Government Ethics, but are the responsibilities of other offices in the Office of Personnel Management or individual agencies; and (b) adding to the new part a prohibition against unauthorized tape recording of the conversations of employees by any other employee within departments and agencies.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: Joseph A. Morris, General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, **202 632-4632**

RIN: 3206-AC22

3286. INVESTIGATIONS

Legal Authority: PL 93-579; 5 USC 522a

CFR Citation: 5 CFR 736

Abstract: Review of enforcement procedures for governmentwide background investigations standards. The review will focus on the need for clarification and greater consistency in application of agency background investigation standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-4426**

RIN: 3206-AB92

3287. ● RETIREMENT; ADMINISTRATION AND GENERAL PROVISIONS

Significance: Regulatory Program

Legal Authority: 5 USC 8336

CFR Citation: 5 CFR 831, Subpart A

Abstract: Regulations based on review of voluntary early retirement criteria in major RIF or reorganization. The regulations would provide improved criteria to assure proper use of the authority and minimize the additional cost to the Civil Service Retirement Fund.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/85	
End Review	03/00/86	
NPRM	06/00/86	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Div., Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, D.C. 20415, **202 632-6817**

RIN: 3206-AC24

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Completed Actions

COMPLETED RULEMAKINGS

3288. PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM

CFR Citation: 5 CFR 293; 5 CFR 430; 5 CFR 530; 5 CFR 531; 5 CFR 536; 5 CFR 540; 5 CFR 595; 5 CFR 771

Completed:

Reason	Date	FR Cite
Final Action	08/30/85	50 FR 35488
Final Action Effective	10/01/85	

Small Entity: No

Agency Contact: Allen B. Levan **202 632-5653**

RIN: 3206-AB31

3289. RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

CFR Citation: 5 CFR 330

Completed:

Reason	Date	FR Cite
Final Action	09/30/85	50 FR 39876
Final Action Effective	10/30/85	

Small Entity: No

Agency Contact: Don A. Smith **202 632-7082**

RIN: 3206-AC32

3290. PAY RATES AND SYSTEMS (GENERAL)

Significance: Regulatory Program

CFR Citation: 5 CFR 530, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	08/15/85	50 FR 32839
Final Action Effective	09/16/85	

Small Entity: No

Agency Contact: William M. Gualtieri **202 632-7858**

RIN: 3206-AB32

3291. PAY ADMINISTRATION, ADJUSTMENT OF WORK SCHEDULES FOR RELIGIOUS OBSERVANCES

CFR Citation: 5 CFR 550, Subpart J

Completed:

Reason	Date	FR Cite
Withdrawn Notice of withdrawal of proposed rule to be published 10/00/85.	10/00/85	

Small Entity: No

Agency Contact: Dwight W. Brown **202 632-4634**

RIN: 3206-AA38

3292. PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT; SPECIAL OVERTIME PAY PROVISIONS

CFR Citation: 5 CFR 551, Subpart E

Completed:

Reason	Date	FR Cite
Withdrawn	08/07/85	

Small Entity: No

Agency Contact: Dwight Brown **202 632-4634**

RIN: 3206-AB16

3293. ABSENCE AND LEAVE; ANNUAL LEAVE

CFR Citation: 5 CFR 630, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	07/23/85	50 FR 29937
Final Action Effective	08/22/85	

Small Entity: No

Agency Contact: James E. Matteson **202 632-4634**

RIN: 3206-AC48

3294. POST EMPLOYMENT CONFLICT OF INTEREST; DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

CFR Citation: 5 CFR 737

Completed:

Reason	Date	FR Cite
Final Action	07/31/85	50 FR 31096
Final Action Effective	07/31/85	

Small Entity: No

Agency Contact: Gary Davis/Bob Flynn 202 632-7642

RIN: 3206–AB13

3295. ALCOHOLISM AND DRUG ABUSE PROGRAMS

CFR Citation: 5 CFR 792

Completed:

Reason	Date	FR Cite
Final Action	04/29/85	50 FR 16691
Final Action Effective	05/29/85	

Small Entity: No

Agency Contact: Ruby H. Giddings 202 632-5558

RIN: 3206–AB11

3296. RETIREMENT

CFR Citation: 5 CFR 831.1301

Completed:

Reason	Date	FR Cite
Final Action	08/27/85	50 FR 34663
Final Action Effective	09/26/85	

Small Entity: No

Agency Contact: Patricia A. Rochester 202 632-4634

RIN: 3206–AA94

3297. RETIREMENT; DEFINITIONS

CFR Citation: 5 CFR 831, Subpart A

Completed:

Reason	Date	FR Cite
Withdrawn Merged with RIN 3206-AC28, "Retirement."	08/07/85	

Small Entity: No

Agency Contact: Doris Reeves 202 632-4684

RIN: 3206–AB69

3298. RETIREMENT; REEMPLOYMENT OF RETIRED EMPLOYEES

CFR Citation: 5 CFR 831, Subpart H

Completed:

Reason	Date	FR Cite
Withdrawn	08/07/85	

Small Entity: No

Agency Contact: John Landers 202 632-9677

RIN: 3206–AB76

3299. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE; OPEN ENROLLMENT PERIOD

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Completed:

Reason	Date	FR Cite
Final Action	06/28/85	50 FR 26687
Final Action Effective	06/28/85	

Small Entity: No

Agency Contact: Agatha W. Gray 202 632-0003

RIN: 3206–AB81

3300. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; COVERAGE OF CERTAIN TEMPORARY EMPLOYEES

CFR Citation: 5 CFR 890, Subpart A

Completed:

Reason	Date	FR Cite
Withdrawn	08/07/85	

Small Entity: No

Agency Contact: Margaret Sears 202 632-0003

RIN: 3206–AB85

3301. PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) SUBPART A - MOTOR VEHICLE OPERATORS

CFR Citation: 5 CFR 930, Subpart A

Completed:

Reason	Date	FR Cite
Final Action	08/27/85	50 FR 34666
Final Action Effective	09/26/85	

Small Entity: No

Agency Contact: Van K. Yee 202 632-6030

RIN: 3206–AA59

3302. PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) ADMINISTRATIVE LAW JUDGES

CFR Citation: 5 CFR 930, Subpart B

Completed:

Reason	Date	FR Cite
Final Action	04/18/85	50 FR 15407
Final Action Effective	05/20/85	

Small Entity: No

Agency Contact: Craig B. Pettibone 202 632-5677

RIN: 3206–AB90

COMPLETED REVIEWS

3303. COMPETITIVE SERVICE AND COMPETITIVE STATUS

CFR Citation: 5 CFR 212, Subparts C and D

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206–AB96

3304. EXCEPTED SERVICE

CFR Citation: 5 CFR 213

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206–AB97

3305. PERSONNEL RECORDS - BASIC POLICIES ON MAINTENANCE OF PERSONNEL RECORDS

CFR Citation: 5 CFR 293, Subpart A

Completed:

Reason	Date	FR Cite
Withdrawn	08/15/85	

Small Entity: No

Agency Contact: George Woloshyn 202 632-4426

RIN: 3206–AB99

3306. EMPLOYMENT IN THE EXCEPTED SERVICE

CFR Citation: 5 CFR 302

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC02

3307. VOLUNTEER SERVICE

CFR Citation: 5 CFR 308

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC04

3308. CAREER-CONDITIONAL EMPLOYMENT

CFR Citation: 5 CFR 315

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC05

3309. GENERAL RECRUITMENT/PLACEMENT PRINCIPLES

CFR Citation: 5 CFR 330

Completed:

Reason	Date	FR Cite
End Review	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC07

3310. GENERAL PRINCIPLES OF COMPETITION

CFR Citation: 5 CFR 332

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC08

3311. STANDARDS FOR TEMPORARY AND TERM APPOINTMENT OUTSIDE THE REGISTER

CFR Citation: 5 CFR 333

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC09

3312. TEMPORARY ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL AGENCIES AND STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENT, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER ELIGIBLE ORGANIZATIONS

CFR Citation: 5 CFR 334

Completed:

Reason	Date	FR Cite
Withdrawn	07/26/85	

Small Entity: No

Agency Contact: Terry W. Culler 202 632-5796

RIN: 3206-AC10

3313. GENERAL EVALUATION PRINCIPLES

CFR Citation: 5 CFR 337

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC11

3314. CLASSIFICATION UNDER THE GENERAL SCHEDULE

CFR Citation: 5 CFR 511

Completed:

Reason	Date	FR Cite
Withdrawn	07/16/85	

Small Entity: No

Agency Contact: George Woloshyn 202 632-4426

RIN: 3206-AC14

3315. PAY RATES AND SYSTEMS (GENERAL)

CFR Citation: 5 CFR 530, Subpart C

Completed:

Reason	Date	FR Cite
Withdrawn	08/07/85	

Small Entity: No

Agency Contact: James W. Morrison, Jr. 202 632-1854

RIN: 3206-AC30

3316. PAY ADMINISTRATION (GENERAL)

CFR Citation: 5 CFR 550, Subpart I

Completed:

Reason	Date	FR Cite
Withdrawn	08/07/85	

Small Entity: No

Agency Contact: James W. Morrison, Jr. 202 632-1854

RIN: 3206-AC18

3317. ADVERSE ACTIONS

CFR Citation: 5 CFR 752, Subparts B and D

Completed:

Reason	Date	FR Cite
End Review	08/01/85	

Small Entity: No

Agency Contact: Tim Dirks 202 653-8551

RIN: 3206-AC23

3318. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CFR Citation: 5 CFR 890, Subpart E

Completed:

Reason	Date	FR Cite
End Review	07/00/85	

Small Entity: No

Agency Contact: James W. Morrison, Jr. 202 632-1854

RIN: 3206-AC25

3319. RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CFR Citation: 5 CFR 891

Completed:

Reason	Date	FR Cite
Withdrawn	08/07/85	

Small Entity: No

Agency Contact: James W. Morrison, Jr. 202 632-1854

RIN: 3206-AC26

3320. INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

CFR Citation: 5 CFR 900

Completed:

Reason	Date	FR Cite
Withdrawn	07/24/85	

Small Entity: No

Agency Contact: Ashton Morris 202 653-7254

RIN: 3206-AC27

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

3321. ● PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Abstract: Proposed regulations would govern the establishment of (1) regular appropriated fund wage schedules for U.S. citizens who are Federal Wage System employees in foreign areas and certain U.S. possessions; and (2) regular nonappropriated fund wage schedules for U.S. citizens who are Federal Wage System employees in foreign areas. Wage schedules would be representative of the entire geographic area from which the employees are recruited.

Timetable:

Action	Date	FR Cite
NPRM	07/15/85	50 FR 28583
Final Action	09/24/85	50 FR 38633
Final Action Effective	10/24/85	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Compensation Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-7830

RIN: 3206-AC68

3322. ● EMPLOYMENT (GENERAL); TIME-IN-GRADE RESTRICTIONS

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 300, Subpart F

Abstract: Review of time-in-grade restrictions. Review addresses inconsistencies and need to clarify certain provisions.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/31/85	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Div., Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, D.C. 20415, 202 632-6817

RIN: 3206-AC01

[FR Doc. 85-24784 Filed 10-28-85; 8:45 am]

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Tuesday
October 29, 1985

Part XXXV

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street, N.W., Suite 550, Washington, D.C. 20036, (202) 634-6441; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, APO Miami 34011.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* require that executive agencies publish in the **Federal Register** a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 85-21.

DATED: August 22, 1985.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Current and Projected Rulemakings

3323. CLASSIFIED INFORMATION

Legal Authority: EO 12356

CFR Citation: 35 CFR 60

Abstract: Revision of the regulation will bring agency into compliance with E.O. 12356 which mandated changes concerning the maintenance, classification, downgrading, declassification, and disposition of official information requiring protection against unauthorized disclosure in the interest of the national security.

Timetable:

Action	Date	FR Cite
NPRM	10/22/85	
Final Action	11/22/85	

Small Entity: No

Additional Information: AGENCY CONTACT TELEPHONE NUMBER: 52-7757, in Balboa Heights, Republic of Panama.

Agency Contact: Thomas C. Duty, Chief, Administrative Services Division, Panama Canal Commission, APO Miami, 34011, **202 634-6441**

RIN: 3207-AA01

3324. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PANAMA CANAL COMMISSION PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 35 CFR 257

Abstract: These regulations are designed to implement Section 504 of the Rehabilitation Act of 1974, as amended. The prototype regulation provided by the Department of Justice under Executive Order 12250 has been modified to accommodate the special circumstances of the agency. The regulation will be published after it has been reviewed by the Department of Justice and the Equal Employment Opportunity Commission, as required by Executive Order 12250 and 12067 respectively.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: John L. Haines, Jr., General Counsel, Panama Canal Commission, Office of General Counsel, APO Miami, Florida 34011, **202 634-6441**

RIN: 3207-AA08

3325. COLLECTION BY SALARY OFFSET FROM FEDERAL EMPLOYEES INDEBTED TO THE UNITED STATES

Significance: Agency Priority

Legal Authority: 5 USC 5514; PL 97-365 Debt Collection Act 1982, 96 Stat.1751, Oct. 25, 1982

CFR Citation: 35 CFR 256, (New)

Abstract: The Debt Collection Act of 1982 authorizes the Federal Government to collect debts owed to it by its own current and retired military and civilian employees through the use of a salary offset. The Act requires each Federal agency to promulgate regulations to effect this collection. This regulation contains the requisite safeguards, including the right to a hearing, to insure that employees are protected from unwarranted seizure of their property.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19539
Final Action	01/00/86	

Small Entity: No

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street, NW, 5th Floor, Washington, DC 20036, **202 634-6441**

RIN: 3207-AA09

3326. PANAMA CANAL COMMISSION ACQUISITION REGULATIONS

Significance: Agency Priority

Legal Authority: 22 USC 3712(c) to 3712(d); PL 98-369

CFR Citation: 48 CFR Chapter 35

Abstract: These proposed regulations will provide guidelines for the procurement of goods, services and construction for the Panama Canal Commission within the framework of the Federal Acquisition Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

PANAMA

Current and Projected Rulemakings

Agency Contact: R. D. Morgan, Procurement Executive, Panama Canal Commission, APO Miami FL 34011, **202 634-6441**

RIN: 3207–AA10

3327. ● HEALTH, SANITATION AND QUARANTINE

Significance: Agency Priority

Legal Authority: 22 USC 3801 to 3823 Panama Canal Act of 1979

CFR Citation: 35 CFR 61, (revision)

Abstract: Subpart E of 35 CFR 61 is being revised to more accurately reflect the division of responsibility in the health and sanitation fields which has resulted from the implementation of the Panama Canal Treaty of 1977 and the Panama Canal Act of 1979. Due to treaty and legislative requirement several functions previously performed by the canal entity are currently the responsibility of the Republic of Panama.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: John L. Haines, Jr., General Counsel, Panama Canal Commission, APO Miami 34011, **202 634-6441**

RIN: 3207–AA11

PANAMA CANAL COMMISSION (PANAMA)

Existing Regulations Under Review

3328. RULES FOR MEASUREMENT OF VESSELS

Legal Authority: 22 USC 3791 Panama Canal Act of 1979

CFR Citation: 35 CFR 135

Abstract: In July 1982 forty-eight nations, representing more than eighty percent of world shipping, began implementing a new, uniform method for tonnage determination in accordance with the International Convention on Tonnage Measurement of Ships, 1969. The present Panama Canal measurement system is based upon the old national tonnage measurement systems. To continue the present Panama Canal System may require that new ships be measured twice, once under the new system and again under the now out-dated national system. No timetable for rulemaking has been established. The Panama Canal Commission Board of Directors has deferred action on this rule change indefinitely. However, evaluations of the proposed tonnage measurement system will continue.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street, NW, 5th Floor, Washington, DC 20036, **202 634-6441**

RIN: 3207–AA03

PANAMA CANAL COMMISSION (PANAMA)

Completed Actions

COMPLETED RULEMAKINGS

3329. DANGEROUS CARGO

Significance: Agency Priority

CFR Citation: 35 CFR 113, (Revision); 35 CFR 101, (Revision); 35 CFR 103, (Revision); 35 CFR 123, (Revision); 35 CFR 107, (Revision); 35 CFR 111.23, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	05/10/85	50 FR 19676
Final Action Effective	06/10/85	

Small Entity: No

Agency Contact: Michael Rhode, Jr. **202 634-6441**

RIN: 3207–AA07

[FR Doc. 85-22045 Filed 10-28-85; 8:45 am]
BILLING CODE 3640-04-T

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Part XXXVI

Peace Corps

Semiannual Regulatory Agenda

PEACE

PEACE CORPS

22 CFR Ch. III

Executive Order 12291, Federal Regulations, Semiannual Agenda of Regulations

AGENCY: Peace Corps.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that Peace Corps will have under development during the 12 month period from October 1, 1985 through September 30, 1986. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning Peace Corps' regulations or this semiannual agenda, contact Robert Martin, Associate General Counsel, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526, (202) 254-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by Peace Corps are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burden on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

DATED: August 26, 1985.

Robert L. Martin,

Acting General Counsel.

PEACE CORPS (PEACE) — Current and Projected Rulemakings

3330. COLLECTION OF CLAIMS BY ADMINISTRATIVE OFFSET

Legal Authority: 31 USC 3701 et seq; 4 CFR 102

CFR Citation: 22 CFR 309

Abstract: Regulation prescribes the procedures and requirements for collection of debts owed to Peace Corps by administrative offset in accordance with the Federal Claims Collection Act of 1966 (80 Stat. 309) and Debt Collection Act of 1982 (PL 97-365).

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	

Small Entity: Not Applicable

Agency Contact: **Richard M. Brewer,** Dir., Accounting Division, Off. of Fin. Mgt., Peace Corps, 806 Connecticut Avenue, NW, Room P-203, Washington, DC 20526, **202 254-6794**

RIN: 0420–AA00

3331. EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURE

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 310

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps employees. Under development.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Agency Contact: **H. Zeke Rodriguez,** Equal Opportunity Manager, Peace Corps, 806 Connecticut Avenue, NW, Washington, DC 20526, **202 254-8320**

RIN: 0420–AA01

3332. ● VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURES

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 306

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps Volunteers. Under development.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/85	

Small Entity: Not Applicable

Agency Contact: **H. Zeke Rodriguez,** Equal Opportunity Manager, Peace Corps, 806 Connecticut Avenue NW, Room M-1107, Washington, DC 20526, **202 254-8320**

RIN: 0420–AA02

3333. ● IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504 - HANDICAPPED DISCRIMINATION PROHIBITION

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 311

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the Postal Service.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/85	

Small Entity: No

Agency Contact: **John Scales,** General Counsel, Peace Corps, 806 Connecticut Avenue, NW, Room M-1207, Washington, DC 20526, **202 254-3114**

RIN: 0420–AA03

[FR Doc. 85-21500 Filed 10-28-85; 8:45am]

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October 29, 1985

Part XXXVII

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PADC

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The Agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Bruner, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, N.W., Washington, D.C. 20004; (202) 724-9088.

DATED: August 20, 1985.

M. J. Brodie,

Executive Director.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Current and Projected Rulemakings

3334. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 912

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: No

Agency Contact: Madeleine B. Schaller, Attorney, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW, Washington, DC 20004, 202 724-9088

RIN: 3208–AA01

3335. RESTRICTIONS ON THE PLACEMENT AND MAINTENANCE OF NEWSPAPER VENDING MACHINES

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 911

Abstract: The Pennsylvania Avenue Development Corporation (PADC) is responsible for rejuvenating Pennsylvania Avenue into an attractive and pleasant physical setting which offers comfortable places for residents and visitors to stroll, rest, sit and talk, eat, and shop. The PADC recognizes the value of allowing access to the Pennsylvania Avenue Development area for the sale and distribution of publications. However, the unregulated use of newspaper vending machines presents inconvenience and safety hazards, constituting a public nuisance as well as being unsightly. The proposed regulations are designed to eliminate these problems by imposing reasonable time, place, and manner restrictions on the use of newspaper vending machines.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: No

Agency Contact: Madeleine B. Schaller, Attorney, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW, Washington, DC 20004, 202 724-9088

RIN: 3208–AA02

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Existing Regulations Under Review

3336. POLICY AND PROCEDURES TO FACILITATE SUCCESSFUL RELOCATION OF BUSINESS AND RESIDENTS WITHIN PENNSYLVANIA AVENUE DEVELOPMENT AREA

Legal Authority: 40 USC 875 Pennsylvania Avenue Dev Corporation Act of 1972

CFR Citation: 36 CFR 908

Abstract: Supplements existing relocation regulations by providing additional relocation assistance as required by the PADC plan. No definite timetable.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/13/83	48 FR 55458
End Review	12/00/85	

Small Entity: No

Agency Contact: Mr. Jerry Smedley, Director of Real Estate, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW, Washington, DC 20004, 202 724-9068

RIN: 3208–AA00

[FR Doc. 85-21501 Filed 10-28-85; 8:45 am]

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Tuesday
October 29, 1985

Part XXXVIII

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PBGC

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months and regulations that are currently under review for possible amendment. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Corporate Policy and Regulations Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, 202-956-5050. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, 5 U.S.C. 601, Pub. L. 96-354, 94 Stat. 1164, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 85-21) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next twelve months and provide certain specified information on each regulation. Most of the items on this agenda are current or projected rulemakings. Three items are existing regulations that PBGC has under review pursuant to the Executive Order.

The guidelines also require an indication of whether or not an item is included in the Administration's Regulatory Program for 1985 and, if not, whether the agency considers it a priority item. The PBGC has determined that each of the regulatory activities listed in this agenda is necessary to the effective implementation of the insurance program and, therefore, each has priority status although none is included in the Administration's Regulatory Program for 1985.

Finally, the guidelines require a description of the potential costs and benefits of each regulation. The regulations listed on the agenda fall into three general categories. Some lessen statutory requirements, thereby lowering costs to the public and minimizing burden on plans and plan sponsors. Others simply implement statutory requirements and, although costs may be imposed because of these statutory requirements, the public is benefited by clear and unambiguous rules that lessen the probability of disputes, litigation and public confusion. Others of the regulations in the agenda reallocate costs necessarily imposed by the statute so that, although certain contributing employers may experience greater costs, others will experience an equivalent reduction in costs resulting in a net effect of zero. Where applicable, additional costs and benefits are stated separately in the item relating to the particular regulation.

Unless otherwise indicated, all citations in the agenda are to sections of the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, 88 Stat. 829, as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("the Multiemployer Act"), Pub. L. No. 96-364, 94 Stat. 1208 ("ERISA"), 29 U.S.C. 1001 *et seq.* (1982).

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Current and Projected Rulemakings

3337. REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1387(a) ERISA

CFR Citation: 29 CFR 2647

Abstract: Section 4207(a) of ERISA requires the PBGC to establish rules for reducing or waiving the liability of an employer who has completely withdrawn from a multiemployer plan and subsequently resumes covered operations or renews the obligation to contribute under the plan. This regulation will prescribe the circumstances under which an employer's liability will be reduced or waived and the rules for computing the employer's liability for a complete or partial withdrawal after it has reentered the plan. This regulation will benefit multiemployer plans by encouraging some employers who have withdrawn from these plans to renew their participation in the plans. By the same token these employers will benefit by having some or all of their withdrawal liability waived. While the plans will incur the cost of foregoing collection of some of the withdrawal liability owed them, the assumption underlying this statutory provision is that these costs will be offset by the contributions employers will make to the plans after their reentry. PBGC is unable to quantify these benefits and costs, because it cannot predict the number of employers who will avail themselves of this rule.

Timetable:

Action	Date	FR Cite
NPRM	03/05/84	49 FR 8036
NPRM Comment Period Begin	03/05/84	49 FR 8036
NPRM Comment Period End	05/04/84	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA14

3338. REDETERMINATION OF WITHDRAWAL LIABILITY UPON MASS WITHDRAWAL

Legal Authority: 29 USC 1302(b)(13) ERISA; 29 USC 1389(c) ERISA; 29 USC 1389(d) ERISA; 29 USC 1399(c)(1)(D) ERISA

CFR Citation: 29 CFR 2648

Abstract: The rules for determining an employer's withdrawal liability do not necessarily allocate a plan's total unfunded vested benefits because of the rules reducing or eliminating withdrawal liability, such as the de minimis rule. Therefore, if all or substantially all the employers in a plan withdraw, there may be large unallocated amounts that would constitute a potential claim on the insurance system. In order to avoid this result, section 4219(c)(1)(D) requires the determination or redetermination of withdrawal liability, in order to fully allocate a plan's unfunded vested benefits, upon either the termination of the plan through the withdrawal of every employer, or the withdrawal of substantially all the employers pursuant to an agreement or arrangement to withdraw. This regulation will set forth rules implementing this requirement. This regulation primarily benefits the multiemployer insurance program and the plans that are required to pay premiums under it, by insuring that in the event of a mass withdrawal (or the withdrawal of substantially all the employers pursuant to an agreement to withdraw), the liability for all unfunded vested benefits is allocated to the (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/14/84	49 FR 45018
NPRM Comment Period Begin	11/14/84	49 FR 45019
NPRM Comment Period End	01/14/85	
Final Action	11/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: withdrawing employers. In addition, in the case of the withdrawal of substantially all employers, the rule will benefit the employers remaining in the plan by preventing them from being left with more than their fair share of the plan's unfunded vested benefits.

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA16

3339. VALUATION OF PLAN ASSETS AND PLAN BENEFITS FOLLOWING MASS WITHDRAWAL

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1441(b) ERISA

CFR Citation: 29 CFR 2676

Abstract: A plan that has terminated by mass withdrawal is required under section 4281(b) of ERISA to perform an annual valuation of the plan's nonforfeitable benefits and assets (including outstanding claims for withdrawal liability). This valuation is to be done in accordance with PBGC regulations. In addition, when a plan experiences a mass withdrawal, section 4219(c)(1)(D) requires the plan sponsor to allocate fully the plan's unfunded vested benefits to all withdrawing employers. In order to do this allocation, the plan sponsor must first value the plan's benefits and assets. This regulation will prescribe the rules for these valuations. The regulation on valuing outstanding claims for withdrawal liability listed on previous PBGC agendas (RIN 1212-AA17) has been merged into this regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/19/85	50 FR 6956
NPRM Comment Period Begin	02/19/85	50 FR 6956
NPRM Comment Period End	04/16/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA18

3340. RULES UNDER SECTIONS 4041A AND 4281 FOR PLANS TERMINATED BY MASS WITHDRAWAL

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341a ERISA; 29 USC 1441(d) ERISA

CFR Citation: 29 CFR 2675

Abstract: Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system. Under section 4281(b), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC. This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above. The primary purpose (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA19

3341. TRANSFERS FROM MULTIEMPLOYER PLANS TO SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1412; 29 USC 1414

CFR Citation: 29 CFR 2678

Abstract: Sections 4232 and 4234 of ERISA prescribe rules governing the transfer of liabilities and assets from a multiemployer plan to a single-employer plan and prohibit certain transfers unless approved by PBGC. The regulation will establish procedures for requesting and criteria for PBGC approval of transfers which require approval and guidelines for satisfying the statutory requirements pertaining to other transfers. The regulation will also establish standards for the PBGC's waiver of a multiemployer plan's contingent liability arising from the transfer of unfunded vested benefits to a single-employer plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA20

3342. ALLOCATING UNFUNDED VESTED BENEFITS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(c)

CFR Citation: 29 CFR 2642

Abstract: On January 19, 1981, PBGC issued an interim regulation dealing with alternative methods for allocating unfunded vested benefits in multiemployer pension plans. PBGC now plans to re-promulgate that regulation in order to correct ambiguities that have arisen under it, to conform the procedures contained in it to other PBGC regulations, and to reduce the information reporting requirements in the regulation. The regulation will impose no new costs on the public and may reduce costs for plans adopting certain alternative allocation rules by reducing the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/09/85	50 FR 36603
NPRM Comment Period Begin	09/09/85	
NPRM Comment Period End	11/08/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA21

3343. REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Legal Authority: 29 USC 1302(b) (3); 29 USC 1388(e) (3)

CFR Citation: 29 CFR 2646

Abstract: Section 4208 of ERISA provides for the reduction or elimination under certain circumstances of an employer's partial withdrawal liability arising from a 70 percent reduction in contribution base units. That section also authorizes the PBGC to prescribe rules for the reduction or elimination of partial withdrawal liability under other conditions. The regulation will provide for the abatement of partial withdrawal arising from the cessation of the obligation to contribute under a collective bargaining agreement or with respect to a facility. Section 4208 also requires the PBGC to issue a regulation under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA22

3344. NON-STATUTORY ALLOCATION METHODS NOT REQUIRING PRIOR PBGC APPROVAL

Significance: Agency Priority

Legal Authority: 29 USC 1302(b) (3); 29 USC 1391(c) (5) (B)

CFR Citation: 29 CFR 2642

Abstract: This regulation will set forth alternative approaches that multiemployer plans may use in reallocating otherwise nonassessable withdrawal liability to employers in the plan. Plans currently using the presumptive method or the modified presumptive method must reallocate certain of these amounts because of the provisions in the Deficit Reduction Act of 1984 (DEFRA) concerning retroactive withdrawal liability. Under this regulation, a plan using the presumptive method will be permitted to adopt an amendment either to allocate, in the plan year in which DEFRA was effective, the unamortized balance of amounts otherwise allocable to employers that withdrew before DEFRA, or to treat the last plan year ending before DEFRA's effective date as the initial year for purposes of computing annual changes. The regulation also will permit a plan using the modified presumptive method to adopt an amendment that maintains the allocation fraction that the plan used before DEFRA. This regulation is intended to ease the administrative costs that the recomputations required by DEFRA would otherwise impose on affected multiemployer plans.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA31

3345. RULES FOR VALUING GROUP INSURANCE CONTRACTS (AMENDMENT TO THE VALUATION OF PLAN ASSETS REGULATION)

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341 ERISA; 29 USC 1344 ERISA; 29 USC 1362(b)(1) ERISA

CFR Citation: 29 CFR 2620

Abstract: This amendment to the existing PBGC regulation on valuing plan assets, 29 CFR Part 2620, will set forth rules for valuing group insurance contracts as plan assets. This regulation applies to single-employer plans. This rule is necessary to provide uniform standards for plan administrators and employers to use in valuing insurance contracts. The rule will enable plans which are funded through insurance contracts to have clear guidance on how this asset should be treated in the plan termination context, and alleviate time-consuming costly delays due to uncertainty on how this commonly used plan funding vehicle should be valued.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19386
NPRM Comment Period Begin	05/08/85	50 FR 19386
NPRM Comment Period End	07/08/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4856

RIN: 1212-AA01

3346. VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344; 29 USC 1362

CFR Citation: 29 CFR 2619

Abstract: This rule would amend PBGC's regulation on Valuation of Plan Benefits in Non-Multiemployer Plans, 29 CFR Part 2619. That regulation sets forth the rules for valuing benefits in terminating plans that are covered by the insurance program under ERISA, which valuation is needed to determine if plan assets are sufficient to provide for plan benefits and to properly allocate assets to those benefits. After review of this regulation pursuant to Executive Order 12291, the PBGC is amending the rules for valuing benefits payable as lump sums upon termination. The effect of this amendment is to prescribe the range of interest rates that may be used to value lump sums that are paid in lieu of annuities. The amendment, in the form of an interim final rule, is needed to protect recipients of lump sum distributions from loss of benefit value resulting from the use of inappropriate interest rates to compute the lump sum amounts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4856

RIN: 1212-AA26

3347. VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344; 29 USC 1362

CFR Citation: 29 CFR 2619

Abstract: The PBGC's regulation on Valuation of Plan Benefits in Non-Multiemployer Plans, 29 CFR Part 2619, prescribes actuarial assumptions and methods to be used in valuing benefits in terminated single-employer pension plans. The PBGC intends to amend this regulation to adopt the approach to valuation employed in proposed regulation on valuation of benefits in multiemployer plans terminated by mass withdrawal, 29 CFR Part 2676 that was published on February 19, 1985 (50 FR 6956), in order to conform more precisely to generally accepted actuarial practice. The proposed amendment would enable PBGC valuations to more accurately reflect interest and other assumptions that underlie the insurance annuity market place.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulation Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4856

RIN: 1212-AA32

3348. ● PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: Not yet determined

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042 of ERISA, it pays benefits to participants pursuant to plan provision and section 4022 of ERISA. This regulation will contain rules and policies relating to the payment of such benefits. The regulation will enable the PBGC to process and administer PBGC-trusteed plans more efficiently with resultant cost savings. It also will reduce costs to the public and the PBGC by providing payment rules, thereby reducing the number of requests for administrative review.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, 2020 K St., NW (611), Washington, DC 20006, 202 254-4856

RIN: 1212-AA35

3349. ● ALLOCATION OF ASSETS IN NON-MULTIEMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1344

CFR Citation: 29 CFR 2618

Abstract: Section 4044 of ERISA provides rules for the allocation of assets in a terminating single-employer plan to benefits in priority categories 1

through 6. The PBGC's regulation on Allocation of Assets interprets those rules and describes procedures for the allocation and distribution of plan assets to participants in the terminating plan. Section 301 of the Retirement Equity Act of 1984 provides that a plan amendment that eliminates an early retirement benefit or retirement-type subsidies, or an optional benefit form, will be treated as an impermissible reduction in accrued benefit under certain conditions. This amendment to the PBGC's Allocation of Assets regulation is needed for guidance in the proper allocation of these "section 301 accrued benefits." The rule will impose no new costs on plans and may alleviate administrative burdens by providing definitive rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, 2020 K St., NW (611), Washington, DC 20006, 202 254-4856

RIN: 1212-AA36

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Existing Regulations Under Review

3350. TRANSACTIONS INVOLVING REVERSIONS OF RESIDUAL ASSETS

Legal Authority: 29 USC 1302; 29 USC 1322; 29 USC 1322B; 29 USC 1341; 29 USC 1344

CFR Citation: 29 CFR 2613; 29 CFR 2617; 29 CFR 2618; 29 CFR 2621

Abstract: On May 23, 1984, the PBGC announced that it, along with the Treasury Department and the Department of Labor, had adopted implementation guidelines for processing defined benefit pension plan terminations involving asset reversions to the plan sponsor. The PBGC has initiated a review of its regulations on Guaranteed Benefits (formerly RIN 1212-aa28), 29 CFR Part 2613, Allocation of Assets in Non-Multiemployer Plans, 29 CFR Part 2618, Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2617, and Limitation on Guaranteed Benefits, 29 CFR Part 2621, in order to determine what amendments may be needed to reflect the conclusions of the May 23, 1984 guidelines concerning the legal effect of certain transactions that result in reversions of pension plan assets to the sponsors of terminated plans. The review also covers the types of annuity contract that may be purchased to close out a plan that has residual assets at the time of its termination.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4856

RIN: 1212-AA27

3351. EMPLOYER LIABILITY FOR SINGLE-EMPLOYER PLAN TERMINATIONS; RULES PERTAINING TO WITHDRAWALS FROM AND TERMINATIONS OF PLANS TO WHICH MORE THAN ONE EMPLOYER CONTRIBUTES OTHER THAN (CONT)

Legal Authority: 29 USC 1302; 29 USC 1362; 29 USC 1363; 29 USC 1364; 29 USC 1367; 29 USC 1368

CFR Citation: 29 CFR 2622

Abstract: The PBGC's regulation on Employer Liability prescribes rules for the determination and payment of employer liability that is due under ERISA if a plan lacks sufficient assets to pay for guaranteed benefits. Employer liability is due as of the date of plan termination, but often is not paid in a timely fashion. The PBGC has initiated a review of this regulation in order to determine what, if any, amendments could be adopted to provide employers with greater incentive to make timely payments of employer liability owed to the PBGC.

Timetable:

Action	Date	FR Cite
Begin Review	05/15/85	
End Review	00/00/00	

Small Entity: No

Additional Information: TITLE CONT: Multiemployer Plans

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulation Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4856

RIN: 1212-AA33

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Completed Actions

COMPLETED RULEMAKINGS

3352. ARBITRATION OF DISPUTES IN MULTIEMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1321(a)(2) ERISA

CFR Citation: 29 CFR 2641

Abstract: Section 4221 of ERISA provides that any dispute between an employer and the sponsor of a multiemployer plan regarding the determination of the employer's withdrawal liability to the plan shall be resolved through arbitration. Section 4221(a)(2) of ERISA provides that an arbitration proceeding under this section shall be conducted in accordance with fair and equitable procedures prescribed by the PBGC. The regulation will set forth those procedures. This regulation is needed to provide the rules of procedure under which an arbitration proceeding will be conducted. PBGC expects that the rule will minimize costs on plan sponsors and contributing employers because it provides a clear set of rules designed to clarify the Act's provisions and the responsibilities of the respective parties.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31251
NPRM Comment Period Begin	07/07/83	
NPRM Comment Period End	09/06/83	
Final Action	08/27/85	50 FR 34679
Final Action Effective	09/26/85	

Small Entity: No

Agency Contact: **Mrs. Renae Hubbard,** Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, **202 254-4856**

RIN: 1212-AA05

3353. POWERS AND DUTIES OF PLAN SPONSORS OF PLANS TERMINATED BY MASS WITHDRAWAL: NOTICES OF BENEFIT REDUCTIONS AND SUSPENSIONS

Legal Authority: 29 USC 1302(b)(2) ERISA; 29 USC 1441(c) ERISA; 29 USC 1441(d) ERISA

CFR Citation: 29 CFR 2675

Abstract: Section 4281 of ERISA contains rules relating to the administration and payment of benefits under multiemployer plans that have terminated by mass withdrawal. Under certain circumstances, the plan sponsor is required to amend the plan to eliminate benefits not eligible for PBGC's guarantee under Section 4022A. In addition, if the terminated plan becomes insolvent, the sponsor is required to suspend payment of any benefits that are in excess of those guaranteed under Section 4022A. The PBGC is authorized to modify the statutory duties of the plan sponsor, including the duty to provide participants and beneficiaries with notice of benefit reductions, and is required to prescribe rules that ensure that plan participants and beneficiaries receive adequate notice of the benefit suspensions. This regulation will prescribe the requirements for these two notices, and will also modify the statutory rules concerning when a plan sponsor must make determinations of plan solvency. This regulation will benefit multiemployer plans by reducing the number of notices that would otherwise be required under ERISA, thus reducing plan costs. In addition, the regulation will (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/13/83	48 FR 27092
NPRM Comment Period Begin	06/13/83	
NPRM Comment Period End	08/12/83	
Final Action	08/01/85	50 FR 31171
Final Action Effective	09/03/85	50 FR 31171

Small Entity: No

Additional Information: ABSTRACT CONT: benefit plan participants and beneficiaries by requiring that they receive timely and informative notices of benefit reductions and suspensions. These benefits cannot be quantified. While providing the notices required by the regulation will obviously entail a cost to plans, the aggregate cost will be low: PBGC estimates that fewer than 10 plans per year will terminate by mass withdrawal, and only a very few of those will ever be required to reduce or suspend benefits.

Agency Contact: **Mr. J. Ronald Goldstein,** Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, **202 254-4860**

RIN: 1212-AA07

3354. NOTICE OF INSOLVENCY

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1426(e) ERISA

CFR Citation: 29 CFR 2674

Abstract: Section 4245(e) of ERISA requires the plan sponsor of a multiemployer plan, upon determining that the plan may become insolvent, to give notice of that fact to the PBGC, contributing employers, affected employee organizations and plan participants. In addition, the plan sponsor must inform those parties of the plan's resource benefit level for the insolvency year. Section 4245(e)(4) of ERISA requires that the notices be given in accordance with regulations prescribed by the PBGC. This regulation will establish the procedures for issuing and the contents of the insolvency notices. The early notice of potential plan insolvency to the collective bargaining parties will enable the parties, if they so choose, to negotiate additional contributions in order to avoid insolvency and the consequent benefit suspensions. This is of benefit to plan participants and beneficiaries, although it is not possible to quantify that benefit.

Timetable:

Action	Date	FR Cite
Final Action	04/01/85	50 FR 12791
Final Action Effective	05/01/85	50 FR 12791

Small Entity: No

Agency Contact: **Mr. John Foster,** Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, **202 254-4860**

RIN: 1212-AA09

3355. LIMITATIONS ON WITHDRAWAL LIABILITY FOR SALES AND EMPLOYER LIQUIDATIONS

Legal Authority: 29 USC 1302(b) (3); 29 USC 1405

CFR Citation: 29 CFR 2650

Abstract: The PBGC has decided that a regulation on section 4225 of ERISA is unnecessary. Any needed guidance will be provided through the issuance of a multiemployer bulletin.

Timetable:

Action	Date	FR Cite
Final Action Withdrawn	08/22/85	50 FR 12796

Small Entity: No

Agency Contact: **Mr. J. Ronald Goldstein,** Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, **202 254-4860**

RIN: 1212-AA23

3356. APPROVAL OF PLAN AMENDMENTS UNDER SECTION 4220

Legal Authority: 29 USC 1302(b) (3); 29 USC 1400

CFR Citation: 29 CFR 2677

Abstract: Under section 4220, certain amendments that multiemployer plans are authorized by ERISA to adopt and which are adopted after April 29, 1983, are effective only if PBGC approves the amendment or fails to disapprove the amendment within 90 days after being notified of it. This regulation will prescribe the procedures for requesting

PBGC approval of these plan amendments.

Timetable:

Action	Date	FR Cite
Final Action	04/01/85	50 FR 12796
Final Action Effective	04/01/85	50 FR 12796

Small Entity: No

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA24

3357. NOTICE OF INTENT TO TERMINATE FOR NON-MULTIEMPLOYER PENSION PLANS

Legal Authority: 29 USC 1302; 29 USC 1341

CFR Citation: 29 CFR 2616

Abstract: Section 4041(a) of ERISA requires that a plan administrator file with the PBGC a notice that the plan is to be terminated. This rule amends PBGC's regulation on Notice of Intent to Terminate for Non-Multiemployer Pension Plans, 29 CFR Part 2616, to clarify the procedures for filing a notice of intent to terminate when a plan administrator chooses to use an alternative procedure for demonstrating sufficiency under PBGC's regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2617. This amendment was issued in conjunction with the amendment to 29 CFR Part 2617.

Timetable:

Action	Date	FR Cite
Final Action	08/01/85	50 FR 31165
Final Action Effective	08/01/85	50 FR 31165

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4856

RIN: 1212-AA00

3358. DETERMINATION OF PLAN SUFFICIENCY AND TERMINATION OF SUFFICIENT PLANS

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344

CFR Citation: 29 CFR 2617

Abstract: On January 28, 1981, PBGC issued a final rule on Determination of Plan Sufficiency and Termination of Sufficient Plans, requiring administrators of plans that are not "clearly insufficient" to follow a specified procedure for demonstrating whether the plan is sufficient. Pursuant to this procedure, the plan administrator must, inter alia, value the plan's assets and liabilities as of a proposed distribution date and submit the valuation data to the PBGC. In light of its experience in processing plans under this regulation, the PBGC has concluded that for some plans the data submission requirement is unnecessary. Accordingly, the PBGC has amended that regulation to set forth, as an alternative method for demonstrating sufficiency, the submission of an enrolled actuary's statement certifying that the value of plan assets determined in accordance with the regulation equals or exceeds the value of plan benefits determined in accordance with the regulation. This amendment sets forth a simplified optional procedure for demonstrating sufficiency and may reduce costs for terminating plans. The regulation also was amended to provide that an employer may, before the date of plan (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/02/84	49 FR 44106
NPRM Comment Period Begin	11/02/84	49 FR 44106
NPRM Comment Period End	01/02/85	
Final Action	08/01/85	50 FR 31167
Final Action Effective	08/01/85	50 FR 31167

Small Entity: No

Additional Information: ABSTRACT CONT: termination, make a commitment to pay any sum necessary to make an otherwise insufficient plan sufficient. This amendment permits such commitment also to be made after the date of termination at the discretion of the PBGC.

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4856

RIN: 1212-AA25

3359. PAYMENT OF PREMIUMS

Legal Authority: 29 USC 1302; 29 USC 1306; 29 USC 1307

CFR Citation: 29 CFR 2610

Abstract: Section 4007 of ERISA provides that premiums under Title IV are payable at the time, and on an estimated, advance, or other basis, as determined by the PBGC. This rule amended PBGC's regulation on Payment of Premiums, 29 CFR Part 2610, to accelerate collection of PBGC premium revenue from plans with 500 or more participants. The amendment changed the premium due date for such plans to the last day of the second month following the close of the plan year.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1065
NPRM Comment Period Begin	01/09/85	50 FR 1065
NPRM Comment Period End	01/24/85	
Final Action	03/29/85	50 FR 12533
Final Action Effective	04/29/85	50 FR 12534

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4856

RIN: 1212-AA29

COMPLETED REVIEWS

3360. ALLOCATION OF ASSETS IN NON-MULTIEMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1344

CFR Citation: 29 CFR 2618

Abstract: The PBGC has reviewed its Allocation of Assets regulation, 29 CFR Part 2618, in light of section 301 of the Retirement Equity Act of 1984, which provides that a plan amendment that eliminates an early retirement benefit or retirement type subsidies, or an optional benefit form will be treated as

an impermissible reduction in accrued benefit under certain conditions. That review has been completed and amendments to the regulation are under development.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	
End Review	05/29/85	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, **202 254-4856**

RIN: 1212-AA30

[FR Doc. 85-21502 Filed 10-28-85; 8:45 am]

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Federal Register

Tuesday
October 29, 1985

Part XXXIX

Railroad Retirement Board

Semiannual Regulatory Agenda

RRB

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935 (FTS 387-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda as regulations under development.

DATED: August 26, 1985.
By Authority of the Board.
For the Board.

Beatrice Ezerski,

Secretary to the Board.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3361	Part 220 Disability Determinations	3220-AA01
3362	Primary Insurance Amount Determinations	3220-AA02
3363	Computing the Employee and Spouse Annuity	3220-AA03
3364	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals from such Determinations	3220-AA11
3365	Annuity Beginning and Ending Dates	3220-AA13
3366	Evidence Required for Payment	3220-AA14
3367	Eligibility for an Annuity	3220-AA15
3368	Application for Annuity or Lump Sum	3220-AA16
3369	Lump-sum Payments	3220-AA18
3370	Railroad Retirement Annuities	3220-AA19
3371	Enforcement of Nondiscrimination on the Basis of Handicapped in Programs or Activities Conducted by the Railroad Retirement Board	3220-AA22
3372	Railroad Employers Reports and Responsibilities	3220-AA25
3373	Creditable Railroad Service	3220-AA26
3374	Creditable Railroad Compensation	3220-AA27
3375	Jurisdiction Determinations	3220-AA28
3376	Family Relationship	3220-AA29
3377	Survivor Annuity Computations	3220-AA30
3378	Social Security Overall Minimum Annuity	3220-AA31
3379	Deductions for Work	3220-AA32
3380	Federal Health Insurance Benefits for the Aged and Disabled	3220-AA33
3381	Eligibility for Federal Health Insurance Benefits	3220-AA34
3382	Premium Collection for Federal Health Insurance Supplementary Medical Insurance Benefits	3220-AA35
3383	Federal Health Insurance Benefits Coverage Outside the United States	3220-AA36

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3384	Regulation to Govern the Disclosure of Contract Proposals Under the Freedom of Information Act	3220-AA10
3385	Computation of Railroad Retirement Act Annuities	3220-AA17
3386	Garnishment Regulations	3220-AA21
3387	Debt Collection	3220-AA23
3388	Reduction in Unemployment and Sickness Benefits	3220-AA24
3389	Regulation to Provide for General and Specific Exemptions for Systems of Records Under the Privacy Act	3220-AA37
3390	Appeals Procedure Under the Railroad Retirement and Railroad Unemployment Insurance Acts	3220-AA38

RAILROAD RETIREMENT BOARD (RRB) — Current and Projected Rulemakings

3361. PART 220 DISABILITY DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA01

3362. PRIMARY INSURANCE AMOUNT DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 225

Abstract: The computation of benefits under the Railroad Retirement Act of 1974 is quite complex and is not easily understood by beneficiaries. This proposed regulation would explain primary insurance amount determinations in a manner that will enable claimants and beneficiaries to more easily understand this phase of benefit computations.

Timetable:

Action	Date	FR Cite
NPRM	09/07/83	48 FR 40390
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA02

3363. COMPUTING THE EMPLOYEE AND SPOUSE ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Abstract: The Board's regulations on the computation of employee and spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA03

3364. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

Legal Authority: 45 USC 355(b); 45 USC 362(l)

CFR Citation: 20 CFR 320

Abstract: The Board's regulation setting forth the procedures to be followed in rendering initial decisions and in requesting and handling reconsiderations and appeals from these decisions has been reviewed and a proposal to make certain revisions in this regulation is being developed. The proposed regulation would conform the procedures more closely to those applicable under the Railroad Retirement Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Walter Witkovich, Chief of Adjudication, Railroad Retirement Board, Bureau of Unemployment & Sickness Insurance, 844 Rush Street, Chicago, IL 60611, **312 751-4810**

RIN: 3220-AA11

3365. ANNUITY BEGINNING AND ENDING DATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 218

Abstract: Part 218 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA13

3366. EVIDENCE REQUIRED FOR PAYMENT

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 219

Abstract: Part 219 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220–AA14

3367. ELIGIBILITY FOR AN ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220–AA15

3368. APPLICATION FOR ANNUITY OR LUMP SUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 217

Abstract: Part 217 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220–AA16

3369. LUMP-SUM PAYMENTS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 234

Abstract: Part 234 is being revised to incorporate changes required by amendments to the Railroad Retirement Act and to simplify and clarify the language of that Part.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220–AA18

3370. RAILROAD RETIREMENT ANNUITIES

Legal Authority: 45 USC 231f; 45 USC 23lm

CFR Citation: 20 CFR 295

Abstract: Section 419 of Public Law 98-/6 amended section 14 of the Railroad Retirement Act of 1974 to make certain portions of annuities subject to division in connection with court decrees of divorce, annulment or legal separation. Part 295 will implement this amendment.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35568
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4941

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Karl T. Blank, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4941**

RIN: 3220–AA19

3371. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAPPED IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE RAILROAD RETIREMENT BOARD

Legal Authority: 29 USC 791; 29 USC 792; 29 USC 794 Rehabilitation Act of 1973; 42 USC 4151 to 4157; EO 12067; EO 12250; PL 95-602, Sec 119

CFR Citation: 20 CFR 364; 28 CFR 41; 28 CFR 41.3(f); 28 CFR 41.5(b)(2); 28 CFR 41.31; 28 CFR 41.32; 28 CFR 41.51; 28 CFR 41.56 to .58; 29 CFR 1613; 41 CFR 101-19.600 to .607

Abstract: The proposed regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Railroad Retirement Board.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4925

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Lawrence D. Smith I, Equal Employment Opportunity Officer, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4925**

RIN: 3220–AA22

3372. ● RAILROAD EMPLOYERS REPORTS AND RESPONSIBILITIES

Legal Authority: 45 USC 231f(b)(5) to 231f(b)(6); 45 USC 231h; 45 USC 231l

CFR Citation: 20 CFR 209

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 209 to comply with changes required by the Railroad Retirement Solvency Act of l983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4877

Affected Sectors: None

Agency Contact: Robert Elling, Chief-Coverage, Procedures & Admin Services, Railroad Retirement Board, Compensation and Certification, 844 Rush Street, Chicago, IL 60611, **312 751-4877**

RIN: 3220-AA25

3373. ● CREDITABLE RAILROAD SERVICE

Legal Authority: 45 USC 231(d) to 231(f); 45 USC 231(i); 45 USC 231f(b)(5)

CFR Citation: 20 CFR 210

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 210 to comply with changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4877

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Robert Elling, Chief-Coverage, Procedures & Admin. Services, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4877**

RIN: 3220-AA26

3374. ● CREDITABLE RAILROAD COMPENSATION

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 211

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 211 to comply with the changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4877

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Robert Elling, Chief-Coverage, Procedures & Admin. Section, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4877**

RIN: 3220-AA27

3375. ● JURISDICTION DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 221

Abstract: The Railroad Retirement Board proposes to amend 20 CFR Part 221 to conform with current law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA28

3376. ● FAMILY RELATIONSHIP

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 222

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 222 to define any family relationship requirements needed to establish eligibility and entitlement for any monthly annuity or lump-sum payment under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Floor, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA29

3377. ● SURVIVOR ANNUITY COMPUTATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 228

Abstract: The Railroad Retirement Board proposes to add 20 CFR 228 to describe how survivor annuities are computed in accordance with the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 606ll, **312 751-4818**

RIN: 3220-AA30

3378. ● SOCIAL SECURITY OVERALL MINIMUM ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 229

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 229 to describe when the social security overall minimum annuity computation applies and how it is computed for retirement annuities under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA31

3379. ● DEDUCTIONS FOR WORK

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Abstract: The Railroad Retirement Board proposes to amend 20 CFR Part 230 to explain how annuity deductions for work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA32

3380. ● FEDERAL HEALTH INSURANCE BENEFITS FOR THE AGED AND DISABLED

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 270

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 270 to describe the rights of aged and disabled persons for Federal Health Insurance Benefits under the Railroad Retirement Act of l974.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA33

3381. ● ELIGIBILITY FOR FEDERAL HEALTH INSURANCE BENEFITS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 271

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 271 to describe when a person is eligible for Federal Health Insurance Benefits under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA34

3382. ● PREMIUM COLLECTION FOR FEDERAL HEALTH INSURANCE SUPPLEMENTARY MEDICAL INSURANCE BENEFITS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 272

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 272 to describe when and how premiums are collected from persons eligible for Federal Health Insurance Supplementary Medical Insurance Benefits under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA35

3383. ● FEDERAL HEALTH INSURANCE BENEFITS COVERAGE OUTSIDE THE UNITED STATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 273

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 273 to describe when and how Federal Health Insurance Benefits coverage is provided under the Railroad Retirement Act of 1974 for persons residing outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA36

RAILROAD RETIREMENT BOARD (RRB) — Completed Actions

COMPLETED RULEMAKINGS

3384. REGULATION TO GOVERN THE DISCLOSURE OF CONTRACT PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT

CFR Citation: 20 CFR 200.3

Completed:

Reason	Date	FR Cite
Final Action	06/26/85	50 FR 26356

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow **312 751-4935**

RIN: 3220-AA10

3385. COMPUTATION OF RAILROAD RETIREMENT ACT ANNUITIES

CFR Citation: 20 CFR 227

Completed:

Reason	Date	FR Cite
Final Action	03/22/85	50 FR 11501

Small Entity: Not Applicable

Agency Contact: Roger L. Flood 312 751-4818

RIN: 3220-AA17

3386. GARNISHMENT REGULATIONS

CFR Citation: 20 CFR 350.1(a); 20 CFR 350.5

Completed:

Reason	Date	FR Cite
Final Action	03/28/85	50 FR 12241

Small Entity: Not Applicable

Agency Contact: Michael C. Litt 312 751-4929

RIN: 3220-AA21

3387. DEBT COLLECTION

CFR Citation: 20 CFR 200.6; 4 CFR 102.13

Completed:

Reason	Date	FR Cite
Final Action	07/23/85	50 FR 29957

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow 312 751-4935

RIN: 3220-AA23

3388. REDUCTION IN UNEMPLOYMENT AND SICKNESS BENEFITS

CFR Citation: 20 CFR 302

Completed:

Reason	Date	FR Cite
Interim Final Rule	09/10/85	50 FR 36870
Part 302 effective Date indefinitely Deferred	10/1/85	50 FR 39993

Small Entity: Not Applicable

Agency Contact: Walter Witkovich 312 751-4810

RIN: 3220-AA24

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

3389. ● REGULATION TO PROVIDE FOR GENERAL AND SPECIFIC EXEMPTIONS FOR SYSTEMS OF RECORDS UNDER THE PRIVACY ACT

Legal Authority: 45 USC 231f; 45 USC 362; 5 USC 552a

CFR Citation: 20 CFR 200.4

Abstract: The Railroad Retirement Board amends section 200.4 of its regulations which implement the Privacy Act to provide for general and specific exemptions to certain provisions of the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 27222
NPRM Comment Period End	05/13/85	
Final Action	07/02/85	50 FR 27222

Small Entity: Not Applicable

Agency Contact: LeRoy Blommaert, Privacy Act Officer, Railroad Retirement Board, Office of Information & Data Management, 844 Rush Street, Chicago, IL 60611, 312 751-4548

RIN: 3220-AA37

3390. ● APPEALS PROCEDURE UNDER THE RAILROAD RETIREMENT AND RAILROAD UNEMPLOYMENT INSURANCE ACTS

Legal Authority: 45 USC 231f(b)(5); 45 USC 362(l)

CFR Citation: 20 CFR 260.9(c); 20 CFR 320.39

Abstract: The Railroad Retirement Board amends sections 260.9 and 320.39 of its regulations to make minor revisions in the procedures for filing appeals to the Board under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	50 FR 9810
NPRM Comment Period End	04/11/85	
Final Action	05/09/85	50 FR 19523
Final Action Effective	05/09/85	50 FR 19523

Small Entity: Not Applicable

Agency Contact: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4935

RIN: 3220-AA38

[FR Doc. 85-21503 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XL

Selective Service System

Semiannual Regulatory Agenda

SSS

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 *et seq.*). This information will allow the public to participate in the System's decision-making at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435, telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

DATED: August 20, 1985.

Thomas K. Turnage,

Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS) — Current and Projected Rulemakings

3391. SELECTIVE SERVICE REGULATIONS; DEFERMENT OR EXEMPTION FROM MILITARY SERVICE

Legal Authority: 50 USC App. 451 et seq Military Selective Service Act; EO 11623

CFR Citation: 32 CFR Chapter XVI

Abstract: Various sections in 32 CFR Chapter XVI will be revised to increase clarity or expression and make them consistent with 32 CFR Part 1656 which was added at 48 FR 16675 (April 19, 1983). 32 CFR Parts 1662 and 1665 were published as final rules at 47 FR 7223 (February 18, 1982). The remainder of 32 CFR Chapter XVI (except 32 CFR Part 1660 which appears in 32 CFR Part 1660 (July 1, 1981)) was published as final rules at 47 FR 4640 (February 1, 1982).

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	

Small Entity: No

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, 202 724-1167

RIN: 3240-AA01

[FR Doc. 85-20992 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XLI

Small Business Administration

Semiannual Regulatory Agenda

SBA

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's 13th semiannual agenda of regulations. Although not a regulatory Agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Pub. L. 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning SBA overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 202/653-6642.

SUPPLEMENTARY INFORMATION: The SBA agenda will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format has three parts. Part I, Current and Projected Rulemakings, includes rulemaking currently underway and scheduled to be completed shortly. Part II, Existing Regulations Under Review, includes existing regulations being reviewed within the Agency to determine whether to propose modifications through rulemaking. Part III, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

DATED: August 27, 1985.

James C. Sanders,

Administrator.

SMALL BUSINESS ADMINISTRATION (SBA) — Current and Projected Rulemakings

3392. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF COMPETENCY APPLICANTS

Legal Authority: 15 USC 637(b)(7)

CFR Citation: 13 CFR 125.5

Abstract: Revision of the conditions under which SBA will provide a certificate of competency relative to a small concern's ability to perform a government contract.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/82	47 FR 34972
NPRM	01/00/86	

Small Entity: No

Agency Contact: Robert J. Moffitt, Director, Office of Industrial Support Serv., Small Business Administration, Office of Industrial Assistance, 1441 L Street, NW, Washington, DC 20416, **202 653-7035**

RIN: 3245-AA03

3393. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT

Significance: Agency Priority

Legal Authority: 15 USC 637(a)

CFR Citation: 13 CFR 124

Abstract: These regulations would completely revise eligibility and program management for the SBA's Minority Enterprise Program.

Timetable:

Action	Date	FR Cite
NPRM	12/22/83	48 FR 56686
NPRM Comment Period Begin	12/22/83	
Comment Period extended to 3/21/84	02/17/84	49 FR 6103
NPRM Comment Period End	02/21/84	
Final Action	04/00/86	

Small Entity: Yes

Agency Contact: Wilfredo J. Gonzalez, Associate Administrator, Small Business Administration, 1441 L Street, NW, Room 317, Washington, DC 20416, **202 653-6407**

RIN: 3245-AA12

3394. CIVIL RIGHTS COMPLIANCE: DISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 42 USC 2000d-1

CFR Citation: 13 CFR 136

Abstract: Prohibition of discrimination in SBA programs on the basis of handicap.

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27164
NPRM Comment Period Begin	07/02/84	
NPRM Comment Period End	10/30/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: George H. Robinson, Director, Small Business Administration, Office of EEO&C, 1441 L Street, NW, Washington, DC 20416, **202 653-6050**

RIN: 3245-AA21

3395. SIZE PROTESTS FOR SUBCONTRACTORS

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Procedures for Size Protests for subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Yes

Agency Contact: Ruben E. Weatherholtz III, Associate Administrator, Small Business Administration, Office of Procurement & Technical Assistance, 1441 L Street, NW, Washington, DC 20416, **202 653-6635**

RIN: 3245-AA25

3396. AMENDMENTS TO INDUSTRIAL SIZE STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)

CFR Citation: 13 CFR 121

Abstract: Size Standard for Dredging.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/84	49 FR 47414
ANPRM Comment Period Begin	12/04/84	49 FR 47414
NPRM	12/04/84	49 FR 47412
NPRM Comment Period Begin	12/04/84	
ANPRM Comment Period End	01/18/85	
NPRM Comment Period End	01/18/85	
Final Action	10/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Small Business Administration, Office of Size Standards, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA29

3397. SIZE STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Revision of substantive rules governing compliance with small business size standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Yes

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA40

3398. MANAGEMENT ASSISTANCE

Legal Authority: 15 USC 634(b); 15 USC 637(b)(1)

CFR Citation: 13 CFR 129

Abstract: Authorization of professional and trade associations as identified volunteer programs under section 8(b)(1)(B) of the Small Business Act, 15 USC 637(b)(1)(B).

Timetable:

Action	Date	FR Cite
NPRM	08/09/84	49 FR 31899
NPRM Comment Period Begin	08/09/84	
NPRM Comment Period End	09/24/84	
Final Action	02/00/86	

Small Entity: Yes

Agency Contact: Barbara Jackson, Program Manager, Office of MA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6287**

RIN: 3245-AA45

3399. SIZE STANDARDS; TRAVEL AGENCIES

Significance: Regulatory Program

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Abstract: Review of Size Standards necessitated by GSA awards of travel contracts resulted in decision to proposed standard.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA58

3400. SIZE STANDARDS; WHOLESALE

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Abstract: Review of wholesale size standard as a result of February 9, 1984 general revision of size standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA64

3401. BUSINESS LOAN POLICY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Abstract: Elimination of exception from media policy rule for radio and TV stations.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14248
NPRM Comment Period Begin	04/11/85	
NPRM Comment Period End	06/10/85	
Final Action	01/00/86	

Small Entity: Yes

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for FA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6574**

RIN: 3245-AA65

3402. PROCUREMENT ASSISTANCE BREAK-OUT PROCUREMENT CENTER REPRESENTATIVES

Legal Authority: PL 98-577

CFR Citation: 13 CFR 125

Abstract: Revise regulations dealing with Break-out Procurement Center Representatives and Break-out procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Ruben E. Weatherholtz III, Associate Administrator for PTA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6635**

RIN: 3245–AA73

3403. CERTIFICATE OF COMPETENCY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Abstract: Overall revision to COC regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Yes

Agency Contact: Robert Moffitt, Director, Office of Industrial Support Serv., Small Business Administration, 1441 L Street, NW, Room 626, Washington, DC 20416, **202 653-6582**

RIN: 3245–AA74

3404. PROCUREMENT ASSISTANCE

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Abstract: Disposition of logs from set-aside sales.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	
End Review	06/01/85	
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: Undetermined

Agency Contact: Joseph Kernan, Director, Office of Natural Resource Sales, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6078**

RIN: 3245–AA77

3405. SMALL BUSINESS INVESTMENT COMPANIES; COMPUTATION OF NET GAIN IN MARKETABLE SECURITIES

Legal Authority: 15 USC 634(b)(6); 15 USC 686(a)

CFR Citation: 13 CFR 107

Abstract: Clarifies the meaning of "marketable securities" by excluding any securities which are restricted in any manner or form from the definition set forth in 13 CFR 107.303(b)(1).

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46553
NPRM Comment Period Begin	11/27/84	49 FR 46553
NPRM Comment Period End	12/27/84	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6848**

RIN: 3245–AA79

3406. SMALL BUSINESS INVESTMENT COMPANIES; LIMITATIONS ON PORTFOLIO INVESTMENTS

Legal Authority: 15 USC 687

CFR Citation: 13 CFR 107

Abstract: Limitations on Portfolio Investments of SBIC's.

Timetable:

Action	Date	FR Cite
NPRM	11/01/84	49 FR 44062
NPRM Comment Period Begin	11/01/84	49 FR 44062
NPRM Comment Period End	12/03/84	
Extension of comment period proposed rule	12/11/84	49 FR 48201
Final Action	03/00/86	

Small Entity: No

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6848**

RIN: 3245–AA80

3407. SIZE STANDARD; CONSTRUCTION

Significance: Regulatory Program

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Abstract: Revision of standard for construction industry.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/85	
End Review	02/01/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245–AA82

3408. SIZE STANDARDS, EXPORT TRADING COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Abstract: Propose size standard for Export Trading Companies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245–AA83

3409. ● SIZE STANDARD: REAL ESTATE AGENTS

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Abstract: Establishing a size standard for the real estate agents industry for the first time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27418
Final Action	02/00/86	
Final Action Effective	02/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, **202 653-6373**

RIN: 3245–AA88

3410. ● SMALL BUSINESS SIZE STANDARD: FARMING

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(5)

CFR Citation: 13 CFR 121

Abstract: Size standard for the farming industry.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, **202 653-6373**

RIN: 3245–AA89

3411. ● NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF SBA

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 117

Abstract: Effectuation of Age Discrimination Act of 1975.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: George Robinson, Director, EEO&C, Small Business Administration, 1441 L Street, NW, Room 501, Washington, DC 20416, **202 653-6050**

RIN: 3245–AA91

3412. ● SMALL BUSINESS INVESTMENT COMPANY ACCOUNTING STANDARDS

Legal Authority: 15 USC 687(b)

CFR Citation: 13 CFR 107

Abstract: Accounting Standards and Financial Reporting Requirements for Small Business Investment Companies.

Timetable:

Action	Date	FR Cite
ANPRM	02/10/84	49 FR 5230
ANPRM Comment Period Begin	02/10/84	
ANPRM Comment Period End	03/10/84	
NPRM	07/19/85	50 FR 29532
NPRM Comment Period Begin	07/19/85	50 FR 29532
NPRM Comment Period End	03/19/85	
Final Action	01/00/86	

Small Entity: Yes

Agency Contact: Thomas Bresnan, Staff Accountant, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6782**

RIN: 3245–AA92

3413. ● POLLUTION CONTROL BONDS

Legal Authority: 15 USC 694-1; 15 USC 694-2; 15 USC 634(b)(6)

CFR Citation: 13 CFR 111

Abstract: Amendments to the Pollution Control Bond Program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Yes

Agency Contact: Robert Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Room 808, Washington, DC 20416, **202 653-6848**

RIN: 3245–AA93

3414. ● SIZE STANDARD: TUNA FISHING

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Abstract: Size standard to recognize the detrimental oceanographic effect of "El Nino" on tuna fishers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, **202 653-6373**

RIN: 3245–AA94

3415. ● SIZE STANDARDS: CONSTRUCTION

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Abstract: Establishing an updated size standard for the construction industry.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, **202 653-6373**

RIN: 3245–AA95

3416. ● AMENDMENTS TO SECONDARY MARKET REGULATIONS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 122

Abstract: Minor revision to Secondary Market regulations to correct administrative inefficiencies.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Yes

Agency Contact: Edwin T. Holloway, Associate Administrator/Finance & Investment, Small Business Administration, 1441 L Street, NW, Room 800, Washington, DC 20416, **202 653-6632**

RIN: 3245–AA96

3417. ● LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 687(c)

CFR Citation: 13 CFR 108

Abstract: Revision of rules governing development companies in general and, specifically, Section 503 certified development companies.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27751
NPRM Comment Period Begin	07/05/85	50 FR 27751
NPRM Comment Period End	09/03/85	
Final Action	02/00/86	
Final Action Effective	02/00/86	

Small Entity: Yes

Agency Contact: LeAnn M. Oliver, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 720, Washington, DC 20416, **202 653-6076**

RIN: 3245-AA97

SMALL BUSINESS ADMINISTRATION (SBA) — Existing Regulations Under Review

3418. SIZE STANDARD FOR MARINE ENGINEERING AND NAVAL ARCHITECTURE

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Revising small business size standard for the marine engineering and naval architecture industry.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/84	
End Review	11/00/85	
NPRM	12/00/85	

Small Entity: Yes

Agency Contact: Andrew A. Canellas, Director, Office of Size Standards, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA50

3419. SIZE STANDARDS; SHIPBUILDING AND REPAIR

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Abstract: Whether ship repair component of the industry should have a separate size standard.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/85	
End Review	10/01/85	

Small Entity: Undetermined

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA66

3420. PROCUREMENT ASSISTANCE

Legal Authority: PL 98-577

CFR Citation: 13 CFR 125

Abstract: Review to ensure compliance with Pub. L. 98-577, the Competition in Contracting Act.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	12/00/85	

Small Entity: Yes

Agency Contact: Gene VanArsdale, Director, Office of Policy and Liaison, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6588**

RIN: 3245-AA76

SMALL BUSINESS ADMINISTRATION (SBA) — Completed Actions

COMPLETED RULEMAKINGS

3421. SMALL BUSINESS SIZE STANDARD: ENGINEERING SERVICES

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Revising small business size standard for the engineering services industry.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/84	
End Review	12/01/84	
Decision not to change Rule	03/13/85	50 FR 9995
Notice of Clarification	04/04/85	50 FR 13310

Small Entity: Yes

Agency Contact: Andrew A. Canellas, Director, Office of Size Standards, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA49

3422. SMALL BUSINESS SIZE STANDARDS; DEFINITION OF SMALL BUSINESS

Significance: Regulatory Program

Legal Authority: 15 USC 631 et seq

CFR Citation: 13 CFR 121

Abstract: Establishment of new size standards, one each for business and secretarial schools, vocational schools, job training services, child care services, telephone communication, individual and family social services, and general services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/09/84	49 FR 27924
Individual and Family Social Services Size Standard Interim Final Rule	08/30/84	49 FR 34346
Interim Final Rule - General Services Size Standard	10/12/84	49 FR 39996
Final Action See table in FR	03/15/85	50 FR 10495

Small Entity: Yes

Agency Contact: Andrew A. Canellas, Director, Office of Size Standards, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA55

3423. BUSINESS LOANS; SECONDARY MARKET SUBSTANTIVE RULES

Significance: Agency Priority

Legal Authority: PL 98-352

CFR Citation: 13 CFR 122, Subparts G & H

Abstract: Substantive rules governing Secondary Market sales of SBA guaranteed portions sold either individually or as part of pools composed solely of such guaranteed portions.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49106
NPRM Comment Period Begin	12/18/84	49 FR 49106
NPRM Comment Period End	02/01/85	
Final Action	03/28/85	50 FR 12229
Final Action Effective	03/31/85	50 FR 12229

Small Entity: Yes

Agency Contact: James W. Hammersley, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 800C, Washington, DC 20416, **202 653-5954**

RIN: 3245-AA61

3424. BUSINESS AND SPECIAL PURPOSE LOANS

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(7); 15 USC 636(a); PL 97-35

CFR Citation: 13 CFR 118; 13 CFR 119; 13 CFR 120; 13 CFR 122; 13 CFR 130

Abstract: Incorporation of all basic loan policies, including borrower eligibility and participant eligibility into Part 120 and descriptions of and procedures relating to specific loan programs into Part 122 of Title 13, CFR.

Timetable:

Action	Date	FR Cite
NPRM	09/25/84	49 FR 37614
NPRM Comment Period Begin	09/25/84	49 FR 37614
NPRM Comment Period End	11/26/84	
Final Action	03/28/85	50 FR 12472
Final Action Effective	03/28/85	50 FR 12472

Small Entity: Yes

Agency Contact: Everett Shell, Chief, Loan Processing, Small Business Administration, Office of Business Loans, 1441 L Street, NW, Washington, DC 20416, **202 653-6470**

RIN: 3245-AA63

3425. PROCUREMENT ASSISTANCE, CERTIFICATION OF COMPETENCY

Legal Authority: PL 98-577

CFR Citation: 13 CFR 125.5

Abstract: Amend to eliminate referral option for contract actions under $10,000.

Timetable:

Action	Date	FR Cite
Final Action	03/27/85	50 FR 11994
Final Action Effective	03/27/85	

Small Entity: Yes

Agency Contact: Robert Moffitt, Director, Office of Industrial Support Serv., Small Business Administration, 1441 L Street, NW, Room 626, Washington, DC 20416, **202 653-6582**

RIN: 3245-AA75

COMPLETED REVIEWS

3426. R&D POOL INCLUSION IN DEFENSE PRODUCTION POOL

Legal Authority: 15 USC 637(d); 15 USC 644

CFR Citation: 13 CFR 125.7

Abstract: Expansion of Defense Production Pool regulations to include R&D and other pooling requirements.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/84	
End Review	08/23/85	

Small Entity: Yes

Agency Contact: Gene VanArsdale, Deputy Associate Admin./Procurement, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6588**

RIN: 3245-AA24

3427. SIZE STANDARD; PETROLEUM REFINING

Significance: Regulatory Program

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Abstract: Barrels of throughput limitation revised for Petroleum Refining industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/10/85	
End Review	04/26/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA60

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

3428. ● FINANCIAL ASSISTANCE CONCERNING COASTAL BARRIERS RESOURCES SYSTEM

Legal Authority: 15 USC 634(b)(6); 16 USC 3501

CFR Citation: 13 CFR 116

Abstract: Application of Coastal Barriers Resources Act of 1982 to SBA's financial assistance programs.

Timetable:

Action	Date	FR Cite
NPRM	08/24/84	49 FR 33692
NPRM Comment Period Begin	08/24/84	
NPRM Comment Period End	09/24/84	
Final Action	04/11/85	50 FR 14210
Final Action Effective	04/11/85	50 FR 14210

Small Entity: Yes

Agency Contact: Edward Myerson, Deputy Associate Administrator for F&I, Small Business Administration, 1441 L Street, NW, Room 800, Washington, DC 20416, **202 653-6470**

RIN: 3245-AA90

[FR Doc. 85-21504 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XLII

Tennessee Valley Authority

Semiannual Regulatory Agenda

TVA

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority.

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations and thus does not ordinarily have agenda items to announce. However, TVA has one regulation under development and is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information please contact the person listed.

W. F. Willis,

General Manager.

TENNESSEE VALLEY AUTHORITY (TVA) — Current and Projected Rulemakings

3429. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470ll

CFR Citation: 18 CFR 1312

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Maxwell D. Ramsey, Program Manager, Cultural Resources, Tennessee Valley Authority, 241 Natural Resources Building, Norris, Tennessee 37828, **615 632-6450**

RIN: 3316–AA02

[FR Doc. 85-22696 Filed 10-28-85; 8:45am]

BILLING CODE 8120-01-T

federal register

Tuesday
October 29, 1985

Part XLIII

Veterans Administration

Semiannual Regulatory Agenda

VA

VETERANS ADMINISTRATION

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Veterans Administration.

ACTION: Publication of agenda of regulations,

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under review, development or revision during the 12 month period from April 1985 to April 1986. The purpose in publishing this Agency's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual agency contact listed for each regulation, or by writing to: Paperwork Management and Regulations Service (731), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Celia Fasone (202) 389-2340.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register** in April and October of each year, an agenda of regulations under development and review.

The Veterans Administration has no regulations considered major under the terms of Executive Order 12291; however all of this agency's proposed rules and current rules under review, except those considered to be internal agency policy management or routine regulations have been listed in accordance with section 5.(a) of the executive order. This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) (Regulatory Flexibility Act).

The Veterans Administration has found that all rules listed in this agenda, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in 5 U.S.C. 601-612.

This agenda has been prepared in accordance with OMB Bulletin 85-21.

DATED: August 29, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.

Deputy Administrator.

Current and Projected Rulemakings

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3432	Extensions to Community Nursing Home Care	2900-AB21
3433	Definition - Domiciliary Care	2900-AB24
3434	Standards of Nursing Home Care for State Veterans Homes	2900-AB31
3435	Community Residential Care	2900-AB32
3436	Readjustment Counseling	2900-AB55
3437	Telecaption Television Decoders	2900-AB56
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3439	Amend VA Regulations for the Purpose of Correcting Certain Specific Technical Points and to Make Certain Editorial Changes	2900-AB59
3440	Medical Care for Veterans Receiving Vocational Training under Chapter 15	2900-AB60
3441	Disposition of Veteran's Personal Funds and Effects on Station upon Death, or Discharge, or Unauthorized Absence, and of Funds and Effects Found on Station	2900-AB61
3442	Grants to States for Construction and Acquisition of State Home Facilities	2900-AB62
3443	Charges for Care or Medical Services	2900-AB80
3444	Adult Day Health Care	2900-AB99
3445	Veterans Education; Educational Assistance Test Program	2900-AA01
3446	Veterans Education; Certifications of Enrollment	2900-AA58
3447	Social Security Numbers in Veterans Benefits Matters	2900-AA95
3448	Veterans Education; Foreign Medical Schools	2900-AB09
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3450	Acquisition of Property	2900-AB34
3451	Extension of Default Reporting Requirement	2900-AB35
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3456	Employee Fiduciaries	2900-AB50
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3458	Temporary Program of Vocational Training for Certain New Pension Recipients	2900-AB53
3459	Temporary Program for Trial Work Periods and Vocational Rehabilitation for Certain Veterans with Total Disability Ratings	2900-AB54
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VA

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3463	Reservists Education; New Education Program for Members of the Selected Reserve	2900-AB69
3464	Veterans Education; New Education Program for Veterans	2900-AB70
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3466	Veterans Education; Right to Initially Enroll in VEAP Suspended	2900-AB73
3467	1. Veterans Services Officer to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Veterans Administration Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
3468	1. Payment to the Wife or Husband of an Incompetent Veteran; 2. Legal Custodian	2900-AB76
3469	Investments by Legal Custodians	2900-AB77
3470	1. Veterans Services Officer's Action When Veteran's Estate Equals or Exceeds $1,500 2. Determination of Value of Estate; 38 USC 3203(b)(1)	2900-AB78
3471	Subsistence Allowance	2900-AB79
3472	Eligibility for Employment Services, Employment Handicap, Employment Assistance, Overview of Employment Services	2900-AB89
3473	Veterans Education; Measurement of Undergraduate Courses	2900-AB90
3474	Veterans Education: Entitlement Charges for Overpayments	2900-AB91
3475	Accountability for Authorization and Payment of Training and Rehabilitation Services	2900-AB92
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3478	Veterans Education; Waiver of the Two-Year Operation Requirement	2900-AB95
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3482	Frequency of Payment of Improved Pension	2900-AC02
3483	Interest and Penalties on Untimely Submission of Funding Fees by Lenders	2900-AC03
3484	Appeals Regulations and Rules of Practice	2900-AB29
3485	Appeals Regulations and Rules of Practice	2900-AB88
3486	Waiver of Overpayments; Waiver - Third Persons; Standards for Claims Collections	2900-AB33
3487	Enforcement of Nondiscrimination on the Basis of Handicap in VA Programs	2900-AA87
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3489	Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance	2900-AB87
3490	Recognition of Organizations, Representatives, Agents and Attorneys	2900-AA38
3491	Revision of Fees for Copies of VA Records	2900-AB18
3492	Effect of General Counsel Opinions	2900-AB22
3493	Inventions by Employees of Veterans Administration as Coinventors under Funding Agreements	2900-AB47
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3497	Charging of Interest on Loan Guaranty Indebtedness	2900-AB00
3498	Veterans' Group Life Insurance	2900-AB04
3499	National Service Life Insurance - Dividends	2900-AB05
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3502	Dependents' Education; Elimination of Processing Time	2900-AB37
3503	Dependents' Education: Eligibility for Special Restorative Training	2900-AB38
3504	Veterans Education; Eligibility	2900-AB39
3505	Veterans Education; Unsatisfactory Progress	2900-AB40
3506	Effective Dates of Pension Awards	2900-AB46
3507	Adjudication of Claims Based on Exposure to Dioxin or Ionizing Radiation	2900-AB64
3508	Veterans Education; New Monthly Rates	2900-AB68
3509	Veterans Education; VEAP High School Rates	2900-AB72
3510	Increase Specially Adapted Housing Grant	2900-AB74
3511	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance	2900-AA21
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VA

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3513	Veterans Administration Acquisition Regulation	2900-AB49

VETERANS ADMINISTRATION (VA)

Current and Projected Rulemakings

DEPARTMENT OF MEDICINE AND SURGERY

3430. EVIDENCE OF INABILITY TO DEFRAY NECESSARY EXPENSES

Significance: Regulatory Program

Legal Authority: 38 USC 610; 38 USC 622

CFR Citation: 38 CFR 17

Abstract: Legislation is pending in Congress which would amend 38 U.S.C. 610 and 622 to provide authority for an income means test for certain nonservice-connected veterans, linked to an applicant's ability to demonstrate with evidence that his/her gross annual family income is below a certain level. Under proposed legislation, these individuals would be considered unable to defray the costs of needed medical care.

Timetable:

Action	Date	FR Cite
NPRM one month following enactment	00/00/00	
Final Action four months following enactment	00/00/00	

Small Entity: No

Agency Contact: Jerome Hanes, Medical Admin. Program Specialist, Veterans Administration, Department of Medicine and Surgery(136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2337**

RIN: 2900-AA12

3431. CONSIDERATIONS APPLICABLE IN DETERMINING ELIGIBILITY FOR DOMICILIARY CARE

Legal Authority: 38 USC 610(b); 38 USC 601(7)

CFR Citation: 38 CFR 17.48(c)(1)

Abstract: The existing regulation now defines the domiciliary program as the provision of a home with medical services as needed to veterans who have a chronic disability and who are unable to earn a living. The proposed change would clarify the mission of the domiciliary program as an integral part of the provision of health care services by the VA by refocusing the definition from the provision of housing to the provision of continuing medical and rehabilitative services at a less intensive level than that provided in a hospital or nursing home, but at a higher level than that available in a residential setting.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Karen O. Walters, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2337**

RIN: 2900-AB07

3432. EXTENSIONS TO COMMUNITY NURSING HOME CARE

Legal Authority: 38 USC 620

CFR Citation: 38 CFR 17.51a

Abstract: Existing regulations that permit an extension to an approved 6-month period of Community Nursing Home Care at VA expense are not definitive enough regarding the circumstances of an unusual nature which provide the impetus for granting such extensions. The proposed change will correct that deficiency.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Stuart E. Mount, Medical Administration Specialist, Veterans Administration, Department of Medicine & Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2851**

RIN: 2900-AB21

3433. DEFINITION - DOMICILIARY CARE

Legal Authority: 38 USC 610(b); 38 USC 601(7)

CFR Citation: 38 CFR 17.30(n)

Abstract: The existing regulation now defines the domiciliary program as the provision of a home with medical services as needed to veterans who have a chronic disability and who are unable to earn a living. The proposed change would clarify the mission of the domiciliary program as an integral part of the provision of health care services by the VA by refocusing the definition from the provision of housing to the provision of continuing medical and rehabilitative services at a less intensive level than that provided in a hospital or nursing home, but at a higher level than that available in a residential setting.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Karen O. Walters, Medical Administration Specialist, Veterans Administration, Department of Medicine & Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2337**

RIN: 2900-AB24

3434. STANDARDS OF NURSING HOME CARE FOR STATE VETERANS HOMES

Legal Authority: 38 USC 642(a)

CFR Citation: 38 CFR 17.165d

Abstract: The existing regulation now only refers to standards of care prescribed by the Administrator for State Veterans Homes. The proposed change will incorporate the nursing home standards of care into the VA Regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: F. Brent Baker, Assistant State Home Program Coordinator, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3679**

RIN: 2900-AB31

3435. COMMUNITY RESIDENTIAL CARE

Legal Authority: 38 USC 630

CFR Citation: 38 CFR Not yet determined

Abstract: These regulations will clarify the legal status of the Community Residential Care program, setting standards and criteria for health and safety, facility resources, guidelines for costs of care, conditions under which the agency may cease referrals to non-complying facilities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: J. R. Kelly, Chief, Community Care Programs, Veterans Administration, Department of Medicine and Surgery, Washington, DC 20420, **202 389-3692**

RIN: 2900-AB32

3436. READJUSTMENT COUNSELING

Legal Authority: 38 USC 612(a); PL 98-160

CFR Citation: 38 CFR 17.57; 38 CFR 17.58

Abstract: This amendment changes the delimiting date from September 30, 1984, to September 30,1988 for which an eligible Vietnam era veteran may request readjustment counseling.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB55

3437. TELECAPTION TELEVISION DECODERS

Legal Authority: PL 98-528

CFR Citation: 38 CFR 17.115b; 38 CFR 17.115c

Abstract: This law authorizes the VA to furnish assistive devises to overcome the handicap of deafness, including telecaption television decoders, to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment. As for telecaption TV decoders, VA policy previously limited the provision of this device to veterans who suffered an aberrant or morbid mental condition as a result of deafness. The law specifically authorizes the VA to provide this device but limits the provision to profoundly deaf veterans who are entitled to compensation for a hearing impairment.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Yes

Agency Contact: Donat Le Blanc, Program Analyst, Veterans Administration, Department of Medicine & Surgery (121), 810 Vermont Ave., NW, Washington, DC 20420, **202 389-2011**

RIN: 2900-AB56

3438. MEDICAL SERVICE IN THE PHILIPPINES

Legal Authority: 38 USC 624; 38 USC 632

CFR Citation: 38 CFR 17.30 to 17.40

Abstract: These amendments specify for whom hospital, nursing home and intermediate care, and medical services may be provided in the Republic of the Philippines.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB57

3439. AMEND VA REGULATIONS FOR THE PURPOSE OF CORRECTING CERTAIN SPECIFIC TECHNICAL POINTS AND TO MAKE CERTAIN EDITORIAL CHANGES

Legal Authority: 38 USC 628

CFR Citation: 38 CFR 17.61; 38 CFR 17.80 to 17.85

Abstract: To clearly reflect the action to be taken when a patient breaks a treatment appointment. Increase the maximum allowance for prosthetic repairs and more clearly define the eligibility requirement for the benefit.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 29990
NPRM Comment Period Begin	07/23/85	
NPRM Comment Period End	08/22/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB59

3440. MEDICAL CARE FOR VETERANS RECEIVING VOCATIONAL TRAINING UNDER CHAPTER 15

Legal Authority: 38 USC 524; 38 USC 525; PL 98-543

CFR Citation: 38 CFR 17.56

Abstract: Section 301 of P.L. 98-543 authorizes the VA to provide certain benefits to those nonservice-connected veterans entitled to VA pension who are participating in a VA program of vocational training. Medical benefits authorized are analogous to those authorized to service-connected veterans participating in a VA vocational rehabilitation program under 38 USC Chapter 31, such as hospital care and medical services.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Paul Tryhus, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB60

3441. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON STATION UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON STATION

Legal Authority: 38 USC 210c

CFR Citation: 38 CFR 12.0 to 12.24

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a VA facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any VA facility or any hospital, while being furnished care or treatment therein by the VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Paul Tryhus, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB61

3442. GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES

Legal Authority: 38 USC 5031 to 5037; PL 98-528

CFR Citation: 38 CFR 17.170 to 17.177

Abstract: The existing regulation contains construction standards which need updating. P.L. 98-528 provides for the acquisition of property for use as State Veterans Homes. The proposed revised regulations will accomplish these changes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: F. Brent Baker, State Home Program Coordinator, Veterans Administration, Department of Medicine & Surgery (182C), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3679**

RIN: 2900-AB62

3443. ● CHARGES FOR CARE OR MEDICAL SERVICES

Significance: Regulatory Program

Legal Authority: 38 USC 629

CFR Citation: 38 CFR 17

Abstract: Legislation is pending in the Congress which would amend 38 USC 629 to allow the VA to recover the cost of medical care furnished to nonservice-connected veterans from third party health insurance policies carried by these veterans and would prohibit such insurance policies from containing clauses disallowing reimbursement to Federal (VA) hospitals. No attempt will be made by the VA to collect deductibles or co-insurance payments from the veteran.

Timetable:

Action	Date	FR Cite
NPRM one month following enactment	00/00/00	
Final Action four months following enactment	00/00/00	

Small Entity: No

Agency Contact: Karen Walters, Medical Admin. Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2337**

RIN: 2900-AB80

3444. ● ADULT DAY HEALTH CARE

Significance: Agency Priority

Legal Authority: 38 USC 620a

CFR Citation: 38 CFR 17.51c; 38 CFR 17.51d; 38 CFR 17.51e

Abstract: The VA plans to contract for adult day health care services. Standards for care safety criteria and eligibility criteria must be established before contracts can be negotiated.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: James R. Kelly, Chief, Community Care Programs, Veterans Administration, 181, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3692**

RIN: 2900-AB99

DEPARTMENT OF VETERANS BENEFITS

3445. ● VETERANS EDUCATION; EDUCATIONAL ASSISTANCE TEST PROGRAM

Legal Authority: PL 96-342

CFR Citation: 38 CFR 21.5701 to 5744, (new)

Abstract: Some provisions in The Department of Defense Authorization Act, 1981 established an educational program for some veterans who enlisted or reenlisted in the Army, Navy, Marine Corps or Air Force after September 30, 1980 and before October 1, 1981. The

VA is implementing this program, and will issue regulations to implement it.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AA01

3446. VETERANS EDUCATION; CERTIFICATIONS OF ENROLLMENT

Legal Authority: PL 96-466

CFR Citation: 38 CFR 21.4137; 38 CFR 21.4203; 38 CFR 21.4204

Abstract: Limits certifications of enrollment to one term, quarter or semester at a time. This will prevent overpayments which the VA is making because of late reports of reductions or terminations in training.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30151
NPRM Comment Period Begin	06/30/83	
NPRM Comment Period End	08/01/83	
Final Action	03/00/86	

Small Entity: No

Agency Contact: June Schaeffer, Ass't Dir for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AA58

3447. SOCIAL SECURITY NUMBERS IN VETERANS BENEFITS MATTERS

Legal Authority: 38 USC 210(c); PL 97-365, Sec 4

CFR Citation: 38 CFR 1.575

Abstract: Authorizes the collection and disclosure to the IRS, of the social security numbers from applicants for guaranteed, direct, or vendee loans, and from other program participants. This amendment is required by section 4 of Pub. L. 97-365, the Debt Collection Act of 1982, and by OMB Circular A-129, in order to increase the efficiency of Government-wide efforts to collect debts owed the United States and to improve credit management procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/02/84	49 FR 30980
NPRM Comment Period Begin	08/02/84	
NPRM Comment Period End	09/04/84	
Final Action	02/00/86	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3042**

RIN: 2900-AA95

3448. VETERANS EDUCATION; FOREIGN MEDICAL SCHOOLS

Legal Authority: 38 USC 1676

CFR Citation: 38 CFR 21.4260

Abstract: Provides additional criteria a foreign medical school must meet before a veteran's enrollment in the school's courses may be approved. The Veterans Administration is considering whether to require a foreign medical school to meet all or some of the criteria it must meet in order to participate in the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB09

3449. INCARCERATED VETERANS; COMMENCING DATES OF SUBSISTENCE ALLOWANCE; REDUCTION OR TERMINATION DATES OF SUBSISTENCE ALLOWANCE

Legal Authority: 38 USC 1508; 38 USC 1780; 38 USC 3012

CFR Citation: 38 CFR 21.276; 38 CFR 21.322; 38 CFR 21.324

Abstract: The regulations implement provisions of 1508 & 1780 which change the condition under which payment of subsistence allowance may be made to an incarcerated veteran pursuing a program of vocational rehabilitation under chapter 31, title 38, U.S. Code. The regulations implementing provisions of 3012 implement provisions establishing new dates for terminating payment of additional amounts of subsistence allowance for dependents of veterans in vocational rehabilitation programs under chapter 31. Issuance of regulations is required. There are no significant cost increases or savings as a result of these changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Dr. Karen Boies, Asst. Dir., Policy & Program Development, Veterans Administration, Dept of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AB26

3450. ACQUISITION OF PROPERTY

Significance: Regulatory Program

Legal Authority: 38 USC 210(c); 38 USC 1816(a); PL 98-369, Sec 2512

CFR Citation: 38 CFR 36.4320; 38 CFR 36.4319(f); 38 CFR 36.4321(a); 38 CFR 36.4300

Abstract: There are currently no specific regulatory requirements as to when the VA may or may not accept conveyance of a property on which the VA-guaranteed loan securing it has been foreclosed. Pursuant to PL 98-369 the changed regulation will provide formulas and specifically define when the VA may acquire a property. The changed regulations will also clarify establishment of a cut off date for claim computation in cases in which liquidation of a loan is unduly delayed.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Raymond Brodie, Assistant Director for Loan Management, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3668**

RIN: 2900-AB34

3451. EXTENSION OF DEFAULT REPORTING REQUIREMENT

Legal Authority: 38 USC 210(c); 38 USC 1816(a)

CFR Citation: 38 CFR 36.4600(c)(1)

Abstract: Present regulations require that lenders holding loans sold by the Veterans Administration must furnish the VA with a notice of default within 30 days after a loan has become two full installments in default. The regulatory change will require lenders to report such a default within 60 days instead of thirty. This change will provide lenders additional time to service loans and result in less defaults being reported which are subsequently cured.

Timetable:

Action	Date	FR Cite
NPRM	07/08/85	50 FR 27833
NPRM Comment Period Begin	07/08/85	
NPRM Comment Period End	08/05/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Raymond Brodie, Assistant Director for Loan Management, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3668**

RIN: 2900-AB35

3452. VETERANS EDUCATION; PROGRAMS OF EDUCATION AT MORE THAN ONE SCHOOL

Legal Authority: 38 USC 1652

CFR Citation: 38 CFR 21.4252

Abstract: The VA wishes to amend this regulation to recognize that the first portion of the subjects or courses in a baccalaureate program beyond those necessary for an associate degree may be given at a private as well as a public 2-year college. The amendment will also address the fact that the remainder of these programs may be offered at private as well as a public 4-year college or university.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass't Director for Policy & Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB41

3453. VETERANS EDUCATION; RETROACTIVE APPROVAL OF COURSES

Legal Authority: 38 USC 1772

CFR Citation: 38 CFR 21.4131; 38 CFR 21.4132

Abstract: The VA wishes to amend these regulations to set a limit upon how far back in the past a State Approving Agency can set the effective date for the approval of a course. This will eliminate excessively long delays in approving courses. The VA is considering a one year time limit.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21624
NPRM Comment Period Begin	05/28/85	
NPRM Comment Period End	06/21/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass't Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, **202 389-2092**

RIN: 2900-AB42

3454. VETERANS EDUCATION; VEAP ELIGIBILITY

Legal Authority: PL 98-223

CFR Citation: 38 CFR 21.5022; 38 CFR 21.5040; 38 CFR 21.5058; 38 CFR 21.5060

Abstract: These regulations implement those provisions of the Veterans' Compensation and Program Improvements Amendments of 1984 which affect the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). The most far-reaching provision permits those veterans who are eligible for both VEAP and the G.I. Bill to elect which one they will receive benefits under.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Asst. Dir. for Policy & Program Admin, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB43

3455. VETERANS EDUCATION; CANCELLATION OF UNNECESSARY REGULATIONS

Legal Authority: 38 USC 1780(d)

CFR Citation: 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4235; 38 CFR 21.4237

Abstract: The VA wishes to cancel several paragraphs in some sections dealing with the G.I. Bill. These paragraphs are redundant. The agency wishes to amend a paragraph dealing with advance payment so that it is in agreement with other paragraphs on the same subject.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13836
NPRM Comment Period Begin	04/08/85	
NPRM Comment Period End	05/06/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Asst. Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB44

3456. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of VA benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900–AB50

3457. FEDERAL FIDUCIARY COMMISSIONS

Legal Authority: PL 98-223, Sec 207; 38 USC 3202(a)

CFR Citation: 38 CFR 13.64

Abstract: This is a new regulation which gives the Veterans Services Officer authority to allow certain fiduciaries to obtain a modest fee from the incompetent beneficiary's estate for fiduciary services rendered.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900–AB52

3458. TEMPORARY PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN NEW PENSION RECIPIENTS

Significance: Regulatory Program

Legal Authority: PL 98-543, Sec 301

CFR Citation: 38 CFR 21.6000, series (new)

Abstract: The pilot program is directed to evaluating the effectiveness of vocational training and related services in restoring veterans to gainful employment and realizing cost benefits. During the period February 1, 1985, through January 31, 1989, veterans awarded pension may be eligible for up to 24 months or more of vocational training to prepare for and enter employment. Under this program every veteran under age 50 who begins to receive a pension award on or after February 1, 1985, will participate in a vocational evaluation to be arranged by the VA. Veterans who are age 50 and older and are awarded pension after February 1, 1985, may apply for an evaluation of their ability to profit from vocational training. Vocational training for up to 24 months or more and up to 18 months of employment services will be provided for program participants. A veteran will continue to receive pension during the period of training and employment services. Pension will be reduced or terminated following adjustment in employment when work income exceeds the annual income limitation applicable to pension.

Timetable:

Action	Date	FR Cite
Final Action	01/00/85	
NPRM	09/00/85	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Asst. Director, Policy & Program Development, Veterans Administration, Department of Veterans Benefits (282), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900–AB53

3459. TEMPORARY PROGRAM FOR TRIAL WORK PERIODS AND VOCATIONAL REHABILITATION FOR CERTAIN VETERANS WITH TOTAL DISABILITY RATINGS

Significance: Regulatory Program

Legal Authority: PL 98-543, Sec 111

CFR Citation: 38 CFR 21.6500, series (new)

Abstract: The pilot program is directed at evaluating the effectiveness of a program of employment and/or vocational rehabilitation services in enabling veterans in receipt of disability ratings by virtue of individual unemployability to become employed. During the period from February 1, 1985, through January 31, 1989, the veteran with a total disability rating due to IU (Individual Unemployability) who wishes to return to work will be protected for 12 consecutive months of employment. The VA will provide vocational rehabilitation and/or employment services to assist veterans to train for or to secure employment. A veteran with an IU rating prior to February 1, 1985, may choose to use these employment services or be considered for training under the VA vocational rehabilitation program. In either case, the veteran's IU rating remains protected for 12 months if he or she secures employment. For veterans receiving an IU rating from February 1, 1985, and through January 31, 1989, an evaluation to determine if a vocational goal is feasible is required, and if it is, lack of participation will be considered in the veteran's next review of eligibility.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Asst. Director, Policy & Program Development, Veterans Administration, Department of Veterans Benefits (282), 810 Vermont Ave, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900–AB54

3460. TEMPORARY VOCATIONAL REHABILITATION PROGRAMS AND AUTOMOBILE AND ADAPTIVE EQUIPMENT ALLOWANCE

Legal Authority: PL 98-543

CFR Citation: 38 CFR 3.341; 38 CFR 3.342; 38 CFR 3.343; 38 CFR 3.808

Abstract: These regulations provide for specific adjudicative actions on certain pension and total disability compensation awards when veterans required to participate in temporary vocational rehabilitation programs fail to do so. Also included are amendments increasing the automobile allowance and adaptive equipment eligibility.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3005**

RIN: 2900–AB65

3461. INCOMPETENT-ESTATE OVER $1500 AND HOSPITALIZED

Legal Authority: PL 98-543; 38 USC 210(c)

CFR Citation: 38 CFR 3.556; 38 CFR 3.557; 38 CFR 3.558

Abstract: These amendments provide for waiver of withholding of benefits in certain incompetent veteran cases because of financial hardship, exclude the value of an incompetent veteran's home from estate computation in certain cases, and make other technical changes.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 12041
NPRM Comment Period Begin	03/27/85	
NPRM Comment Period End	04/26/85	
Final Action Effective	10/24/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3005

RIN: 2900-AB66

3462. VETERANS EDUCATION; MISCELLANEOUS ADMINISTRATIVE ADJUSTMENTS

Legal Authority: PL 98-525

CFR Citation: 38 CFR 21.1022; 38 CFR 21.3022; 38 CFR 21.4005; 38 CFR 21.4009; 38 CFR 21.4020; 38 CFR 21.4022; 38 CFR 21.4134; 38 CFR 21.4153; 38 CFR 21.4201; 38 CFR 21.4206; 38 CFR 21.4207; 38 CFR 21.4209; 38 CFR 21.4250

Abstract: The Veterans' Educational Assistance Act of 1984 established a new educational program for veterans and servicemembers, and a new educational program for members of the Selected Reserves. Some of the provisions of the new programs affect the administration of the GI Bill for Vietnam Era veterans. The affected regulations will be brought into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB67

3463. RESERVISTS EDUCATION; NEW EDUCATION PROGRAM FOR MEMBERS OF THE SELECTED RESERVE

Legal Authority: 10 USC 2131 et seq

CFR Citation: Not yet determined

Abstract: A new education program for members of the Selected Reserve has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB69

3464. VETERANS EDUCATION; NEW EDUCATION PROGRAM FOR VETERANS

Legal Authority: 38 USC 1401 et seq

CFR Citation: Not yet determined

Abstract: A new education program for veterans and servicemembers has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB70

3465. VETERANS EDUCATION; DELEGATION OF AUTHORITY

Legal Authority: 38 USC 212

CFR Citation: 38 CFR 21.4001

Abstract: The regulation currently delegates to the Director, Education Service the authority to approve lengthy programs of special restorative training. This change will delegate this authority instead to the Director, Vocational Rehabilitation and Counseling Service.

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	50 FR 23145
NPRM Comment Period Begin	05/31/85	
NPRM Comment Period End	07/01/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB71

3466. VETERANS EDUCATION; RIGHT TO INITIALLY ENROLL IN VEAP SUSPENDED

Legal Authority: PL 98-525, Sec 704

CFR Citation: 38 CFR 21.5054

Abstract: The Department of Defense Authorization Act, 1985 prohibits a member of the Armed Forces from initially enrolling in VEAP during the period beginning on July 1, 1985 and ending on June 30, 1988. This change will bring the pertinent regulation into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	06/19/85	50 FR 24530
NPRM Comment Period Begin	06/19/85	
NPRM Comment Period End	07/19/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB73

3467. 1. VETERANS SERVICES OFFICER TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE VETERANS ADMINISTRATION BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB75

3468. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Abstract: 38 CFR 13.57 specifies types of VA benefits that may be paid to spouse payee. The intended change broadens the class of payments to include VA insurance.

38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB76

3469. INVESTMENTS BY LEGAL CUSTODIANS

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.103

Abstract: The regulation gives Federally appointed legal custodian fiduciaries authority to invest surplus VA funds in savings bonds, or interest or dividend-paying accounts in State or Federally insured institutions. The intended regulation will give authority for investments in pre-need burial plans.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB77

3470. 1. VETERANS SERVICES OFFICER'S ACTION WHEN VETERAN'S ESTATE EQUALS OR EXCEEDS $1,500 2. DETERMINATION OF VALUE OF ESTATE; 38 USC 3203(B)(1)

Legal Authority: 38 USC 3203(b)(1); PL 98-543, Sec 402

CFR Citation: 38 CFR 13.108; 38 CFR 13.109

Abstract: 38 CFR 13.108 defines the VSO's action and responsibility when a veteran is subject to discontinuance of payments under 38 USC 3203(b)(1). The intended change simplifies the title, updates the language of subsection (a) and further defines the VSO responsibilities regarding waiver of discontinuance under PL 98-543.

38 CFR 13.109 defines estate for purposes of the $1,500 limitation. The intended change further defines assets and incorporates two new exclusions on the basis of PL 98-543 and an unpublished General Counsel's opinion.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB78

3471. SUBSISTENCE ALLOWANCE

Legal Authority: PL 98-543, Sec 201

CFR Citation: 38 CFR 21.260

Abstract: Public Law 98-543 increased the rate for payment of subsistence allowance by 10 percent effective October 1, 1984. Issuance of regulations is required. There are no significant cost savings or increases as a result of this change.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Asst. Director, Policy & Program Development, Veterans Administration, Department of Veterans Benefits (282), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AB79

3472. ● ELIGIBILITY FOR EMPLOYMENT SERVICES, EMPLOYMENT HANDICAP, EMPLOYMENT ASSISTANCE, OVERVIEW OF EMPLOYMENT SERVICES

Legal Authority: 38 USC 1501; 38 USC 1502; 38 USC 1505(b); 38 USC 1516; 38 USC 1517

CFR Citation: 38 CFR 21.47; 38 CFR 21.51; 38 CFR 21.73; 38 CFR 21.250

Abstract: The VA has determined that employment assistance may be provided a veteran eligible for chapter 31, if the veteran though trained and qualified for suitable employment, has an employment handicap that prevents him or her from obtaining such employment, even if he or she is not a prior participant in a vocational rehabilitation program. It has previously been held that eligibility for employment services was limited to veterans who were current or prior participants under chapter 31.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Dr. Karen Boies, Assistant Dir., Policy and Program Dev., Veterans Administration, 282, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB89

3473. ◎ VETERANS EDUCATION; MEASUREMENT OF UNDERGRADUATE COURSES

Legal Authority: 38 USC 1788(b)

CFR Citation: 38 CFR 21.4272(f)

Abstract: The Code of Federal Regulations allows the VA a number of ways in which to measure undergraduate courses which have fewer than one 50-minute class session per week per hour of credit. One of these ways requires the VA to measure the quality of the course. The VA does not believe it should be estimating the quality of courses for measurement purposes. The VA is considering rescinding the portion of the regulation which permits the agency to do so.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB90

3474. ◎ VETERANS EDUCATION: ENTITLEMENT CHARGES FOR OVERPAYMENTS

Legal Authority: 38 USC 1671

CFR Citation: 38 CFR 21.1045(h)

Abstract: Interest, administrative costs of collection, and marshal fees are charged to veterans or eligible persons with outstanding overpayments of educational assistance allowance. The pertinent sections of the Code of Federal Regulations will be amended to state that when such an overpayment is discharged in bankruptcy, the unrecovered portion of interest, administrative costs of collection, court costs and marshal fees will not result in a charge against a veteran's or eligible person's entitlement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB91

3475. ◎ ACCOUNTABILITY FOR AUTHORIZATION AND PAYMENT OF TRAINING AND REHABILITATION SERVICES

Legal Authority: 38 USC 1515(a) (4)

CFR Citation: 38 CFR 21.430(c)(1) and (2)

Abstract: The VA is proposing to increase the amounts which VR&C (Vocational Rehabilitation and Counseling) staff may approve for training and rehabilitation services. The change reflects increases in cost of training and rehabilitation services which have occurred since 1981 and administrative expenses. The change will improve program administration by allowing VR&C Officers and Directors to focus on those cases in which additional review is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Dr. Karen Boies, Assistant Dir., Policy and Program Dev., Veterans Administration, 282, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB92

3476. ◎ APPLICANT STATUS, INTERRUPTED STATUS, DISCONTINUED STATUS, DUTIES OF THE VOCATIONAL REHABILITATION PANEL

Legal Authority: 38 USC 1502; 38 USC 1506; 38 USC 1507; 38 USC 1508; 38 USC 1510; 38 USC 1511

CFR Citation: 38 CFR 21.62; 38 CFR 21.182; 38 CFR 21.197; 38 CFR 21.198

Abstract: Current policies require follow-up of veterans who have previously clearly indicated they are not interested in vocational rehabilitation services. The VA is proposing to eliminate the provisions requiring such follow-up.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Dr. Karen Boies, Assistant Dir., Policy and Program Dev., Veterans Administration, 282, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB93

3477. ◎ VETERANS EDUCATION; LIMIT ON REIMBURSEMENT OF WAGES UNDER THE EMERGENCY VETERANS' JOB TRAINING ACT

Legal Authority: PL 98-77

CFR Citation: 38 CFR 21.4632(e); 38 CFR 21.4634

Abstract: A few employers have been circumventing the intent of the Emergency Veterans' Job Training Act in order to receive more than 50% of the wages paid to veterans training under the Act. An additional limitation will be placed on the amount payable on behalf of a veteran. The limitation will prevent this abuse.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB94

3478. ● VETERANS EDUCATION; WAIVER OF THE TWO-YEAR OPERATION REQUIREMENT

Legal Authority: 38 USC 1789(b)

CFR Citation: 38 CFR 21.4251(g)

Abstract: The law generally requires a course to be in operation for two years before it can be approved for VA training. There are several exceptions to this general rule and a provision for waiver. This change will make a waiver easier to obtain for a course offered pursuant to a contract with the Department of Transportation at a Coast Guard station.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	
NPRM Comment Period Begin	08/26/85	50 FR 34722
NPRM Comment Period End	09/25/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB95

3479. ● VETERANS EDUCATION; TECHNICAL CHANGES

Legal Authority: 38 USC 1682; 38 USC 1775; 38 USC 1787

CFR Citation: 38 CFR 21.4136(g); 38 CFR 21.4253(e); 38 CFR 21.4270(b)

Abstract: Several sections in 38 CFR contain incorrect references to other sections in 38 CFR. Another section has references to a Federal office which, due to reorganization, no longer exists. In order to make 38 CFR easier for the reader to use, the VA is planning to make regulatory changes to correct these errors.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB97

3480. ● VETERANS EDUCATION; EFFECTIVE DATE OF REFUND UPON DISENROLLMENT FROM VEAP

Legal Authority: 38 USC 1602; 38 USC 1623; 38 USC 1632

CFR Citation: 38 CFR 21.5064(b)

Abstract: The law provides a few veterans with the opportunity to choose between receiving benefits under the Vietnam Era G.I. Bill or VEAP. Once such a veteran begins receiving benefits under the Vietnam Era G.I. Bill, he or she may never receive benefits under VEAP. Current regulations do not provide for a refund of the veteran's contributions to the VEAP fund when this situation occurs unless the veteran asks for a refund. The VA is considering permitting a refund even if the veteran did not apply for one.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: June C. Shaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB98

3481. ● DEFINITION OF FRAUD

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.1(aa), New; 38 CFR 3.901

Abstract: The definition of fraud for veterans' benefits purposes is being placed in the general definitions section and is being amended to include acts of omission as well as acts of commission. This action will allow a finding of fraud in certain cases where a beneficiary receives or retains benefits based on a knowing failure to provide necessary information.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, 211B, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3005**

RIN: 2900-AC01

3482. ● FREQUENCY OF PAYMENT OF IMPROVED PENSION

Legal Authority: 38 USC 508

CFR Citation: 38 CFR 3.30

Abstract: Improved pension may be paid less frequently than monthly when the annual benefit payable is less than four percent of the maximum annual rate for a single veteran. This amendment updates the schedule of payment frequency based on the cost-of-living adjustments that have been applied to the single veteran annual rate since 1979. This will result in savings of check mailing costs without affecting the annual benefits payable.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34498
NPRM Comment Period Begin	08/26/85	
NPRM Comment Period End	09/25/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, 211B, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3005**

RIN: 2900-AC02

3483. ● INTEREST AND PENALTIES ON UNTIMELY SUBMISSION OF FUNDING FEES BY LENDERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1)

CFR Citation: 38 CFR 36

Abstract: Public Law 97-253, the Omnibus Budget Reconciliation Act of 1982 (38 U.S.C. 1829) establishes that a funding fee will be collected on VA loans but the law does not establish any time limits within which it must be paid to the VA. Current VA Loan Guaranty procedures allow lenders up to 60 days from the loan closing date to remit loan funding fees and this delay in their collection and deposit has resulted in a significant amount of potential interest lost to the Federal government. The proposed regulation would require lenders to submit the fees to the VA within a 15 day period from the loan closing date and would implement penalty charges and interest assessments on delinquent submissions. Adoption of this regulation should improve collection timeliness and result in the collection of the interest income that is currently being lost as well as income from interest and penalty charges.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, 264, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3042**

RIN: 2900-AC03

BOARD OF VETERANS APPEALS

3484. APPEALS REGULATIONS AND RULES OF PRACTICE

Legal Authority: PL 97-377, Sec 156 Quayle Amendment; EO 12436; 38 USC 4002; 38 USC 4004(c)

CFR Citation: 38 CFR 19.2; 38 CFR 19.157; 38 CFR 19.176; 38 CFR 19.179

Abstract: Revises the examples of the Board of Veterans Appeals' appellate jurisdiction to include claims for certain Social Security benefits under PL 97-377, Sec 156. Adds a new subsection to the Board of Veterans Appeals Rules of Practice No. 57 to reflect the Board's traditional practice of allowing an "informal hearing" by accepting written argument from some appellants' representatives. Retitles and adds a new subsection to the Board of Veterans Appeals Rules of Practice No. 76 to reflect the Board's traditional practice of requesting, in some cases, legal opinions from the General Counsel of the Veterans Administration. Retitles Board of Veterans Appeals Rules of Practice No. 79 to reflect that an appellant's representative will be given a copy of any General Counsel opinion obtained, and will be given 60 days to respond.

Timetable:

Action	Date	FR Cite
NPRM	04/17/85	50 FR 15184
NPRM Comment Period Begin	04/17/85	
NPRM Comment Period End	05/17/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Mr. Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2978**

RIN: 2900-AB29

3485. ● APPEALS REGULATIONS AND RULES OF PRACTICE

Legal Authority: 38 USC 4002(b); 38 USC 4005(d)(3); PL 98-144

CFR Citation: 38 CFR 19.129(c),(New); 38 CFR 19.132,(Revision); 38 CFR 19.168,(Revision); 38 CFR 19.170,(Revision)

Abstract: The Board of Veterans Appeals Plans to: (1) add a new subparagraph to 38 CFR 19.129 to explain that a response to a Supplemental Statement of the Case is optional, (2) add Martin Luther King, Jr.'s birthday to a list of legal holidays cited in 38 CFR 19.132, and (3) amend 38 CFR 19.168 to provide that appellants and their representatives will be given a copy of tape recording of personal hearing proceedings upon request, in lieu of a written transcript. Consistent revisions are planned for 38 CFR 19.170. None of the changes proposed will involve additional costs. Item 3 will allow more prompt service to the public and will save approximately $50,000 annually.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2978**

RIN: 2900-AB88

OFFICE OF BUDGET AND FINANCE

3486. WAIVER OF OVERPAYMENTS WAIVER - THIRD PERSONS STANDARDS FOR CLAIMS COLLECTIONS

Legal Authority: 38 USC 3102; PL 97-365

CFR Citation: 38 CFR 1.962; 38 CFR 1.963(c); 38 CFR 1.900, series (new)

Abstract: 38 CFR 1.962 and 1.963(c) are revised to redefine the term overpayment to exclude payments received by third parties who are neither payees nor beneficiaries and to exclude such payment from waiver consideration. Section 1.900 - 1.954 will be revised to comply with the Debt Collection Act of 1982 (Pub. L. 97-365) and 4 CFR 101-105. These will be published as an NPRM in 1986. New salary offset regulations (1.980 - 1.995) will also be added to comply with Pub. L 97-365.

Timetable:

Action	Date	FR Cite
NPRM	11/21/84	49 FR 45870
NPRM Comment Period Begin	11/21/84	
NPRM Comment Period End	12/21/84	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Peter T. Mulhern, Special Asst. for Fiscal Systems, Veterans Administration, Office of Budget and Finance, Washington, DC 20420, **202 389-3405**

RIN: 2900-AB33

EQUAL OPPORTUNITY STAFF

3487. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN VA PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 15

Abstract: Provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, as it applies to programs or activities conducted by the VA. Section 504 prohibits discrimination on the basis of handicap. There is no other alternative to the

issuance of this regulation since it implements a legislative mandate. Qualified handicapped individuals will be assured of equal participation in programs or activities conducted by the VA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Ana M. del Toro, Equal Opportunity Specialist, Veterans Administration, Office Of Equal Opportunity, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2150**

RIN: 2900-AA87

3488. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERAL ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250

CFR Citation: 38 CFR 18

Abstract: To establish standards and procedures for enforcing Title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from the VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

Timetable:

Action	Date	FR Cite
NPRM	04/25/79	44 FR 24320
NPRM Comment Period Begin	04/25/79	
NPRM Comment Period End	05/25/79	
Final Action	02/00/86	

Small Entity: Undetermined

Agency Contact: Ana M. del Toro, Equal Opportunity Specialist, Veterans Administration, Office of Equal Opportunity (006B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2150**

RIN: 2900-AB51

3489. ● NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 18.423(c); 38 CFR 18.401 to 18.426, App. A

Abstract: To incorporate a reference to the Uniform Federal Accessibility Standards (UFAS) and update the list of Federal financial assistance programs administered by the VA. The existing regulations require that new construction and alteration of facilities be made in an accessible manner. The regulations provide that new construction or alteration of facilities in conformance with the American National Standard Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI A117.1-1961 (B 1971)) shall constitute compliance with the accessibility requirements for new construction and alteration of facilities. The proposed revision will replace the current standard with the UFAS, published under the Architectural Barriers Act of 1968. Because some facilities subject to the accessibility requirements of section 504 of the Rehabilitation Act of 1973 are also subject to the accessibility requirements of the Architectural Barriers Act, this proposal would eliminate any potential conflict between standards enforced under the two statutes.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Ana M. Del Toro, Equal Employment Specialist, Veterans Administration, 006B, Office of Equal Opportunity, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2150**

RIN: 2900-AB87

OFFICE OF THE GENERAL COUNSEL

3490. RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS AND ATTORNEYS

Legal Authority: 38 USC 210(c)(1); 38 USC 3402; 38 USC 3404

CFR Citation: 38 CFR 14.664; 38 CFR 14.627 to 14.637

Abstract: Includes definitions; requirements for recognition of organizations by the VA; requirements for recognition of representatives, agents and attorneys; powers of attorney; use of paralegals, law clerks and law students; requirements for space and office facilities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2440**

RIN: 2900-AA38

3491. REVISION OF FEES FOR COPIES OF VA RECORDS

Legal Authority: 38 USC 3302; 5 USC 552(a)(4)(A); 5 USC 552a(f)(5)

CFR Citation: 38 CFR 1.526; 38 CFR 1.555; 38 CFR 1.577(f)

Abstract: Revises VA fee schedules currently in effect for the Privacy Act, the Freedom of Information Act, and 38 U.S.C. Sec 3301 to remove inconsistencies and establish a comprehensive uniform fee schedule. The alternative would be to leave the regulations unchanged. This would result in continued confusion in their application and loss of revenue to the Government since an increase in the fees is contemplated. There is no increased cost to the Government due to these changes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: David N. Stone, Director, Veterans Administration, Paperwork Management and Regulations Service, Office of Information Management & Statistic, 810 Vermont Ave., NW, Washington, DC 20420, **202 389-3616**

RIN: 2900-AB18

3492. EFFECT OF GENERAL COUNSEL OPINIONS

Legal Authority: 38 USC 210(c)(1); 38 USC 4004(c)

CFR Citation: 38 CFR 14.507

Abstract: Clarifies the effect of General Counsel opinions with respect to binding and precedential legal interpretations. No alternatives are being considered. The change will assist VA personnel in understanding the effect of General Counsel opinions. It will benefit the public by enhancing the accessibility of General Counsel opinions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2440**

RIN: 2900-AB22

3493. INVENTIONS BY EMPLOYEES OF VETERANS ADMINISTRATION AS COINVENTORS UNDER FUNDING AGREEMENTS

Legal Authority: 35 USC 200 to 207

CFR Citation: 38 CFR 1.635 to 1.643

Abstract: Under affiliation agreements between VA Medical Centers and local Colleges or Universities, VA employees and University employees are sometimes coinventors. Universities have requested VA to assign its interest in any such inventions to the University. Pub. L. No. 96-517 authorizes the VA to so assign its interest in certain circumstances, provided the invention was made under a funding agreement between the agency and the coinventing entity. These regulations will set forth the procedure and criteria for determination of patent right ownership in these situations. No costs will be imposed on the public. The public will benefit from consolidation of patent rights on one entity because this facilitates licensing and marketing of the invention, and thereby makes the invention available for public use.

Timetable:

Action	Date	FR Cite
Awaiting DOJ action	00/00/00	

Small Entity: No

Agency Contact: Diana M. Bloss, Deputy Assistant General Counsel (024B), Veterans Administration, Office of General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3651**

RIN: 2900-AB47

3494. ● EMPLOYEE ACCEPTANCE OF FOOD AND REFRESHMENTS

Legal Authority: 38 USC 210(c); EO 11222, Sec. 201(b); 5 CFR 735.101

CFR Citation: 38 CFR 0.735-11(b)(2)

Abstract: The VA plans to amend its conduct regulations to prohibit employees from accepting any food or refreshments under any circumstances from an entity that has or is seeking a commercial relationship with the Agency. This proposed change would deter conduct that involves the appearance of, and potential for, conflicts of interest. It would prohibit acceptance of food and refreshments only from those who have or are seeking a business relationship with the VA; it would not repeal the current exceptions that allow infrequent acceptance under limited circumstances from other persons or groups, such as veterans' organizations.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Audley Hendricks, Assistant General Counsel, Veterans Administration, 023, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3671**

RIN: 2900-AB86

OFFICE OF CONSTRUCTION

3495. ENVIRONMENTAL EFFECTS OF VA ACTIONS

Legal Authority: 42 USC 4231 et seq; EO 11514; EO 11991; 40 CFR 1500 to 1508

CFR Citation: 38 CFR 26

Abstract: To implement provisions of National Environmental Policy Act of 1969 and EO 11514, as amended by EO 11991, and to provide policy and procedures for VA officials regarding environmental considerations when authorizing any VA action that affects the environment in the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Jon Baer, Director, Land Management Service, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2922**

RIN: 2900-AB17

VETERANS ADMINISTRATION (VA)

Completed Actions

COMPLETED RULEMAKINGS

3496. DISQUALIFICATION OF LENDERS

CFR Citation: 38 CFR 36.4216; 38 CFR 36.4331

Completed:

Reason	Date	FR Cite
Final Action	04/03/85	50 FR 13191
Final Action Effective	05/02/85	

Small Entity: No

Agency Contact: George D. Moerman **202 389-3042**

RIN: 2900-AA89

3497. CHARGING OF INTEREST ON LOAN GUARANTY INDEBTEDNESS

CFR Citation: 38 CFR 36.4285(d); 38 CFR 36.4323(e)

Completed:

Reason	Date	FR Cite
Withdrawn	08/27/85	

Small Entity: No

Agency Contact: Raymond Brodie **202 389-3668**

RIN: 2900-AB00

3498. VETERANS' GROUP LIFE INSURANCE

CFR Citation: 38 CFR 9.36

Completed:

Reason	Date	FR Cite
Final Action	03/28/85	50 FR 12252
Final Action Effective	02/15/85	

Small Entity: No

Agency Contact: Robert W. Carey 215 951-5360

RIN: 2900-AB04

3499. NATIONAL SERVICE LIFE INSURANCE - DIVIDENDS

CFR Citation: 38 CFR 8.26

Completed:

Reason	Date	FR Cite
Final Action	03/28/85	50 FR 12252
Final Action Effective	02/15/85	

Small Entity: No

Agency Contact: Robert W. Carey 215 951-5360

RIN: 2900-AB05

3500. PAYMENT OF PROCEEDS

CFR Citation: 38 CFR 9.18(d)

Completed:

Reason	Date	FR Cite
Final Action	03/28/85	50 FR 12252
Final Action Effective	02/15/85	

Small Entity: No

Agency Contact: Robert W. Carey 215 951-5360

RIN: 2900-AB06

3501. VETERANS EDUCATION; ACCREDITATION LEVEL

CFR Citation: 38 CFR 21.4272; 38 CFR 21.4273

Completed:

Reason	Date	FR Cite
Final Action	05/28/85	50 FR 21604
Final Action Effective	05/09/85	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB23

3502. DEPENDENTS' EDUCATION; ELIMINATION OF PROCESSING TIME

CFR Citation: 38 CFR 21.3032

Completed:

Reason	Date	FR Cite
Final Action	04/29/85	50 FR 16702
Final Action Effective	04/03/85	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB37

3503. DEPENDENTS' EDUCATION: ELIGIBILITY FOR SPECIAL RESTORATIVE TRAINING

CFR Citation: 38 CFR 21.3330; 38 CFR 21.3332

Completed:

Reason	Date	FR Cite
Final Action	05/28/85	50 FR 21606
Final Action Effective	05/09/85	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB38

3504. VETERANS EDUCATION; ELIGIBILITY

CFR Citation: 38 CFR 21.1022; 38 CFR 21.1040; 38 CFR 21.3022; 38 CFR 21.4020; 38 CFR 21.4022

Completed:

Reason	Date	FR Cite
Final Action	07/08/85	50 FR 27855
Final Action Effective	03/02/84	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB39

3505. VETERANS EDUCATION; UNSATISFACTORY PROGRESS

CFR Citation: 38 CFR 21.4203

Completed:

Reason	Date	FR Cite
Final Action	07/22/85	50 FR 29674
Final Action Effective	07/08/85	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB40

3506. EFFECTIVE DATES OF PENSION AWARDS

CFR Citation: 38 CFR 3.400

Completed:

Reason	Date	FR Cite
Final Action	06/24/85	50 FR 25980
Final Action Effective	10/01/84	

Small Entity: No

Agency Contact: Robert M. White 202 389-3005

RIN: 2900-AB46

3507. ADJUDICATION OF CLAIMS BASED ON EXPOSURE TO DIOXIN OR IONIZING RADIATION

CFR Citation: 38 CFR 1.17, (new); 38 CFR 3.102; 38 CFR 3.311a, (new); 38 CFR 3.311b, (new); 38 CFR 3.813, (new)

Completed:

Reason	Date	FR Cite
Final Action	08/26/85	
Final Action Effective	09/26/85	

Small Entity: No

Agency Contact: Robert M. White 202 389-3005

RIN: 2900-AB64

3508. VETERANS EDUCATION; NEW MONTHLY RATES

CFR Citation: 38 CFR 21.1041; 38 CFR 21.1045; 38 CFR 21.3046; 38 CFR 21.3300; 38 CFR 21.3333; 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4236; 38 CFR 21.4279; 38 CFR 21.4503; 38 CFR 21.4612; 38 CFR 21.4632

Completed:

Reason	Date	FR Cite
Final Action	05/13/85	50 FR 19933
Final Action Effective	10/01/84	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB68

3509. VETERANS EDUCATION; VEAP HIGH SCHOOL RATES

CFR Citation: 38 CFR 21.5136

VA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	05/13/85	50 FR 19933
Final Action Effective	10/01/84	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB72

3510. INCREASE SPECIALLY ADAPTED HOUSING GRANT

CFR Citation: 38 CFR 36.4404(b)(2)

Completed:

Reason	Date	FR Cite
Final Action	04/02/85	50 FR 13020
Final Action Effective	01/01/85	

Small Entity: No

Agency Contact: George D. Moerman 202 389-3042

RIN: 2900-AB74

3511. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

CFR Citation: 38 CFR 18

Completed:

Reason	Date	FR Cite
Final Action	08/23/85	50 FR 34130
Final Action Effective	09/23/85	

Small Entity: No

Agency Contact: Ana M. del Toro 202 389-2150

RIN: 2900-AA21

3512. INVESTIGATION

CFR Citation: 38 CFR 1.450 to 1.455

Completed:

Reason	Date	FR Cite
Withdrawn	08/27/85	

Small Entity: No

Agency Contact: Mr. Jack H. Kroll 202 389-2915

RIN: 2900-AB28

3513. VETERANS ADMINISTRATION ACQUISITION REGULATION

CFR Citation: 48 CFR 801 to 872

Completed:

Reason	Date	FR Cite
Final Action	01/07/85	50 FR 789
Final Action Effective	01/07/85	

Small Entity: Yes

Agency Contact: Chris A. Figg 202 389-2334

RIN: 2900-AB49

[FR Doc. 85-21623 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XLIV

Department of Defense/General Services Administration/ National Aeronautics and Space Administration

Federal Acquisition Regulation; Semiannual Regulatory Agenda

FAR

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Unified Agenda of Federal Regulations

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council, in conformance with Executive Order 12291, Federal Regulation. This agenda is being published to allow interested persons an opportunity to participate in the rule making process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions, however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: DOD, GSA, and NASA under their several statutory authorities, jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FAC's). None of the regulations listed in this agenda are considered major under Executive Order 12291, Federal Regulation.

DATED: August 29, 1985.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Current and Projected Rulemakings

3514. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-10

Legal Authority: 40 USC 486 (c); 42 USC 2453 (c); 10 USC Chapter 137

CFR Citation: 48 CFR 1-7; 48 CFR 1-34

Abstract: (1) Implement Sec. 1213 of Pub. L. 98-525 and Sec. 201 of Pub. L. 98-577 by (a) requiring that the contracting officer, prior to contracting, review the acquisition history of the supplies or services and the description of the supplies, and (b) specifying new requirements applicable to planning for the solicitation of a major system production contract; (2) Implement Sec. 1245 of Pub. L. 98-525 and Sec. 501 of Pub. L. 98-577 by specifying that offerors/contractors (a) are required to distribute costs within contracts on a basis that ensures that unit prices of supplies are in proportion to the item's base cost, (b) may be required to identify supplies that they will not manufacture or to which they will not contribute significant value, and (c) are required to flow the requirement down to subcontractors; (3) Implement Sec. 1216 of Pub. L. 98-525 and Sec. 204 of Pub. L. 98-577 by requiring offerors/contractors in certain acquisitions to certify that the prices offered for those items of supply that the contractor offers for sale to the public are no higher than any lower price charged to any other customer during the preceding 60 days, or submit a written justification for any (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: differences; (4) Implement Sec. 402 of Pub. L. 98-577 by (a) widening the area where subcontracting possibilities are considered to exist, (b) further specifying the types of acquisitions that are to be considered for contracting and subcontracting with small and small disadvantaged business concerns, and (c) stating the policy of the United States that its prime contractors establish procedures to ensure timely payments to small and small disadvantaged subcontractors; and (5) Implement Sec. 1211 of Pub. L. 98-525 and Sec. 102 of Pub. L. 98-577 by specifying a definition of "major system".

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA00

3515. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-9

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1-33

Abstract: To revise the FAR to comply with revised Department of Justice advice concerning the General Accounting Office (GAO) "stay" provisions in 31 U.S.C. 3553(c) and (d) and the GAO "damages" provision in 31 U.S.C. 3554(c) regarding payment of costs of filing and pursuing a protest and preparing the bid and proposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA01

3516. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-11

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1-3; 48 CFR 1-7; 48 CFR 1-9; 48 CFR 1-14; 48 CFR 1-15; 48 CFR 1-52

Abstract: To revise the FAR to (1) Prohibit contractors and subcontractors from asserting or agreeing to unreasonable restrictions on direct sales by subcontractors to the Government; (2) Prescribe policies, procedures, and a solicitation provision for gathering and using information from offerors to assist the Government in planning the most advantageous quantities in which supplies should be purchased; and (3) Prescribe policies, procedures, and a solicitation provision regarding the establishment and enforcement of qualification requirements for sources and products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA02

3517. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-34)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to delete unnecessary verbiage from the contract clause entitled "Government Property (Cost Reimbursement, Time-and-Material, or Labor-Hour Contracts)".

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA10

3518. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-20)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 36; 48 CFR Chapter 1 Part 53

Abstract: Amend the Federal Acquisition Regulation to add a definition and guidance regarding the acquisition of architect-engineer services.

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	50 FR 10516
NPRM Comment Period Begin	03/15/85	50 FR 10516
NPRM Comment Period End	04/14/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA11

3519. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 83-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 22

Abstract: Amend the Federal Acquisition Regulation to provide Government-wide acquisition policy with respect to labor standards for contracts involving construction.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA12

3520. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-42)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to correct an inappropriate cross reference in the contract clause entitled Payments Under Time-and-Materials and Labor-Hour Contracts, and provide a necessary alternate to the clause to tailor it for use in labor-hour contracts.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA13

3521. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-39)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 27; 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to provide Government wide acquisition policy with respect to rights in data and copyrights.

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	50 FR 32870
NPRM Comment Period Begin	08/15/85	50 FR 32870
NPRM Comment Period End	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA14

3522. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-14)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 19; 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to revise the contract clause entitled "Women-Owned Small Businesses" to (a) define "small business concern", (b) expand the definition of "women-owned small businesses are small business concerns", and (c) to specify that the contractor, acting in good faith, may rely on written representations by its subcontractors regarding their status as women-owned small businesses.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11523
NPRM Comment Period Begin	03/22/85	50 FR 11523
NPRM Comment Period End	05/21/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA15

3523. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-27)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 3

Abstract: Amend the Federal Acquisition Regulation to add a new subpart (Subpart 3.7) on voiding and rescinding contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	50 FR 23157
NPRM Comment Period Begin	05/31/85	50 FR 23157
NPRM Comment Period End	07/01/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA16

3524. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-35)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 31

Abstract: Amend the Federal Acquisition Regulation to ensure that foreign selling costs are not reimbursed on contracts for U.S. Government requirements, and comply with Sec. 8102 of the FY 1985 Continuing Resolution pertaining to the Department of Defense.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA17

3525. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 31

Abstract: Amend the Federal Acquisition Regulation to resolve certain problems associated with establishing the reasonableness of the cost of corporate aircraft.

Timetable:

Action	Date	FR Cite
NPRM	03/05/85	50 FR 8752
NPRM Comment Period Begin	03/05/85	50 FR 8752
NPRM Comment Period End	05/06/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA18

3526. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-3)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 19; 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to raise the threshold of applicability from $10,000 to $25,000 with respect to the contract clause on "Utilization of Women-Owned Small Businesses" in order to reflect a corresponding increase in the Small Purchase limitation.

Timetable:

Action	Date	FR Cite
NPRM	01/30/85	50 FR 4241
NPRM Comment Period Begin	01/30/85	50 FR 4241
NPRM Comment Period End	04/01/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA19

3527. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-21)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 4

Abstract: Amend the Federal Acquisition Regulation to clarify the terms "classified information" and

"information" and reference "Executive Order 12356 in the definition in Subpart 4.4, Safeguarding Classified Information Within Industry".

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA20

3528. ◎ AMENDMENT TO FEDERAL ACQUISITION (FAR CASE 83-9)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 53

Abstract: Amend the Federal Acquisition Regulation to revise SF 295, Summary Subcontracting Report, and related instructions to clarify Labor Surplus Area Subcontracting Program reporting instructions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA21

3529. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 31

Abstract: Amend the Federal Acquisition Regulation to provide coverage in the contract cost principles with respect to the allowability of public relations costs.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7199
NPRM Comment Period Begin	02/21/85	50 FR 7199
NPRM Comment Period End	04/22/85	
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA22

3530. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-20)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 53

Abstract: Amend the Federal Acquisition Regulation to discontinue Standard Form 36, Continuation Sheet.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA23

3531. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-53)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 9; 48 CFR Chapter 1 Part 19

Abstract: Amend the Federal Acquisition Regulation to bring the FAR into conformance with section 8(b)(7) of the Small Business Act with the award of a contract to a small business pending final determination of its eligibility for award under the Walsh-Healy Public Contracts Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA24

3532. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 45

Abstract: Amend the Federal Acquisition Regulation to bring the dollar ceiling specified with respect to records of Government property into alignment with the corresponding dollar ceiling in the pertinent contract clause prescription.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA25

3533. ◎ AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-31)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 32

Abstract: Amend the Federal Acquisition Regulation to implement the Debt Collection Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA26

3534. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-29)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 53

Abstract: Amend the Federal Acquisition Regulation to illustrate the revised SF 279, FPDS Individual Contract Action Report (Over $10,000), which has been revised to reflect the requirements of Pub. L. 98-369.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA27

3535. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-32)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 13; 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to include, for use in small purchases, a clause on federal, state, and local taxes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA28

3536. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 35

Abstract: Amend the Federal Acquisition Regulation to implement OFPP Letter 84-1 on Federally Funded Research and Development Centers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Steets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA29

3537. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-24)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 14; 48 CFR Chapter 1 Part 15; 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to convert to contract clauses the solicitation provisions entitled "Order of Precedence".

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA30

3538. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-26)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 52

Abstract: Public comment was solicited as to--

(a) The manner in which the language in the changes clauses in the Federal Acquisition Regulation is being applied; and

(b) Whether the clauses are consistently understood or need to be revised and clarified.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/85	50 FR 21313
ANPRM Comment Period Begin	05/23/85	50 FR 21313
ANPRM Comment Period End	07/22/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA31

3539. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-39)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 8

Abstract: Amend the Federal Acquisition Regulation to conform with revisions in Part 51 of 41 U.S.C. regarding Purchases from the Blind and Other Severely Handicapped.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AA32

3540. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 31

Abstract: Amend the Federal Acquisition Regulation to revise the contract cost principle on allowability of costs for compensated personal absences.

Timetable:

Action	Date	FR Cite
NPRM	07/13/84	49 FR 28571
NPRM Comment Period Begin	07/13/84	49 FR 28571
NPRM Comment Period End	09/11/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AA33

3541. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-40)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 14; 48 CFR Chapter 1 Part 15; 48 CFR Chapter 1 Part 16

Abstract: Amend the Federal Acquisition Regulation to require inclusion of contract identification codes on Standard Form 26, Award/Contract, and Standard Form 33, Solicitation, Offer, and Award.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AA34

3542. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 14; 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to provide guidance under the rules of sealed bidding with respect to acceptable evidence in establishing the date of mailing of a late bid.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11522
NPRM Comment Period Begin	03/22/85	50 FR 11522
NPRM Comment Period End	05/21/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AA35

3543. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-22)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 49; 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to reinstate, in the termination clause for cost reimbursement contracts, certain language that was used in Defense Acquisition Regulation and the Federal Procurement Regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AA36

3544. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-13)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 15

Abstract: Amend the Federal Acquisition Regulation to reinstate rules that were in the Defense Acquisition Regulation regarding items or work efforts to be included in make or buy programs.

Timetable:

Action	Date	FR Cite
NPRM	07/12/84	49 FR 28421
NPRM Comment Period Begin	07/12/84	49 FR 28421
NPRM Comment Period End	09/10/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AA37

3545. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASES 85-19 AND 85-35)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 25

Abstract: Amend the Federal Acquisition Regulation to correct an inappropriate cross reference in Part 25, Foreign Acquisition.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA38

3546. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 3

Abstract: Amend the Federal Acquisition Regulation to exclude debarred and suspended contractors from conducting business with the Government as agents or representatives of other contractors.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA39

3547. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-30)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 32

Abstract: Amend the Federal Acquisition Regulation to implement the Prompt Payment Act and OMB Circular A-125.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA40

3548. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASES 85-7, 84-48, 85-22, AND 85-40)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 19

Abstract: Amend the Federal Acquisition Regulation to incorporate revised small business size standards, add pertinent definitions, and accommodate the Small Business Administration's revisions to 13 CFR 121, as published in the Federal Register on February 15, 1985.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA41

3549. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-41)

Legal Authority: 40 USC 486(c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 36

Abstract: Amend the Federal Acquisition Regulation to reference SF 1420, Performance Evaluation (Construction), in the paragraph of the text that specifies the conditions under which such construction performance evaluations are to be accomplished.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA42

3550. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-26)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 37; 42 USC 2453(c)

CFR Citation: 48 CFR Chapter 1 Part 32; 48 CFR Chapter 1 Part 52

Abstract: Amend the Federal Acquisition Regulation to provide a greater degree of flexibility with respect to retainage of funds from construction contract progress payments.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7200
NPRM Comment Period Begin	02/21/85	50 FR 7200
NPRM Comment Period End	04/22/85	
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA43

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE

COMPLETED RULEMAKINGS

3551. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-8

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1-1; 48 CFR 1-14; 48 CFR 1-15; 48 CFR 1-30; 48 CFR 1-35; 48 CFR 1-43; 48 CFR 1-52

Abstract: To revise the FAR to (1) Require Standard Form (SF) 1442 rather than SF 26 to be used in construction contracts under the Small Business Administration's "8(a)" program; (2) Bring the FAR into conformance with Public Law 98-269 regarding responsibility for furnishing certified copies of Miller Act payment bonds; (3) Revise usage requirements for three contract clauses whose use is inappropriate in cost reimbursement architect engineer contracts; and (4) Revise terminology and definitions to eliminate an ambiguity with respect to industrial facilities; (5) Substitute the Department of State for the Department of Housing and Urban Development in the listing of members of the Civilian Agency Acquisition Council; (6) Correct an incorrect reference that has been interpreted to unduly restrict the meaning of adequate price competition as it relates to Cost Accounting Standards; (7) (a) Adjust the dollar threshold for contractor retention of title to Government property acquired under research contracts with nonprofit higher education institutions and nonprofit organizations, (b) include additional language regarding other tangible property, (c) eliminate repetitive language (cont)

Timetable:

Action	Date	FR Cite
Final Action	06/28/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: pertaining to the related contract clause, and (d) reflect a change in the U.S. Code reference; (8) Allow agencies the option of using SF 30, Amendment of Solicitation/ Modification of Contract, for purchase order modifications; (9) Place the responsibility for furnishing evidence of full payment to a surety in the contractor, rather than in the Government; and (10) Extend applicability of the FAR policy on evaluation of prompt payment discounts to include awards under negotiation as well as sealed bidding.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA03

[FR Doc. 85-21624 Filed 10-28-85; 8:45am]

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federal register

Tuesday
October 29, 1985

Part XLV

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

CFTC

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others upon the subject area of the agenda.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Harold L. Hardman, Esquire, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254-9880.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year. The agenda lists all significant rules which may be considered by the Commission within the next year, irrespective of their potential impact on small entities.[1]

The Commission's agenda represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months.[2] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda, or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its October 1985 Regulatory Flexibility Agenda as part of the October 1985 Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in that Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's October 1985 Regulatory Flexibility Agenda is set forth below.

Issued in Washington, D.C., on August 28, 1985, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3552	Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (Dealer Options)	3038-AA03
3553	Regulation of Leverage Transactions	3038-AA04
3554	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10
3555	Regulations Governing the Offer and Sale of Foreign Futures Contracts in the United States	3038-AA33
3556	Commodity Options; Margins	3038-AA34
3557	Reporting Requirements for Contract Markets, Futures Commission Merchants, Clearing Members, and Traders	3038-AA38
3558	Activities of Persons Possessing Material, Nonpublic Information	3038-AA39
3559	Trade Time-Sequencing Standards and Exchange Audit Trail Systems	3038-AA40
3560	Margining of Exchange - Traded Commodity Option Positions	3038-AA43
3561	Transfer or Liquidation of Open Commodity Contracts Carried by a Clearing Member Futures Commission Merchant	3038-AA44

[1] The Commission has published its definitions of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (Apr. 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an item in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[2] In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that the Commission intends to consider that month.

CFTC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3562	Large Trader Reporting to Exchanges	3038-AA09
3563	Speculative Position Limits	3038-AA24
3564	Exemption for Certain Entities from Regulation as a Commodity Pool Operator	3038-AA30
3565	Contract Market Enforcement of Floor Broker Registration Requirements	3038-AA36
3566	Contract Market Rule Review Procedures	3038-AA45

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Current and Projected Rulemakings

3552. REGULATIONS PERMITTING THE GRANT, OFFER AND SALE OF OPTIONS ON PHYSICAL COMMODITIES (DEALER OPTIONS)

Legal Authority: 7 USC 6c(b) Commodity Exchange Act, Sec 4c(b); 7 USC 6c(d) Commodity Exchange Act, Sec 4c(d); 7 USC 12a(5) Commodity Exchange Act, Sec 8a(5)

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 32

Abstract: Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of buying, selling, producing or otherwise using that commodity. The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission intends to re-evaluate the proposed rules in light of regulatory changes that have occurred since 1980 and expects to decide whether to adopt or repropose Rules in mid-1986.

Timetable:

Action	Date	FR Cite
NPRM	12/20/78	43 FR 59396
NPRM	04/27/81	46 FR 23469
Final Action	06/30/86	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Robert H. Rosenfeld, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA03

3553. REGULATION OF LEVERAGE TRANSACTIONS

Legal Authority: 7 USC 12a Commodity Exchange Act, Sec 8a; 7 USC 23 Commodity Exchange Act, Sec 19; 7 USC 16a Sec 237 of FTA 82, amending, Sec 26 of FTA of 78

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 4; 17 CFR 31; 17 CFR 145; 17 CFR 147; 17 CFR 190

Abstract: On January 16, 1984, the Commission adopted interim final rules which establish a comprehensive regulatory scheme applicable to certain leverage transactions. 49 FR 5498 (Feb. 13, 1984). The regulations, among other things, impose registration, financial, segregation, disclosure and recordkeeping requirements upon persons engaged in the business of offering and selling to the public leverage contracts for the delivery of certain commodities. The regulations generally became effective on April 13, 1984. Commission rules 31.1 and 31.2, which impose temporary moratoria on the entry of new persons or firms into the leverage business, remain in effect. Subsequently, the Commission solicited public comment concerning whether and how the interim rules could be amended to encompass the marketing of certain "short sales" of leverage transactions to the public. The Commission has determined to make such amendments to the interim rules. On January 2, 1985, certain of these amendments which are technical in nature were published in final form without further notice and comment procedures. 50 FR 22. At that time, other more substantive amendments also were (cont)

Timetable:

Action	Date	FR Cite
NPRM Marketing of Short Sales	03/08/84	49 FR 8624
NPRM	01/02/85	50 FR 102
Final Action Technical Amendments	01/02/85	50 FR 22
Final Action	09/30/85	

Small Entity: No

Additional Information: ABSTRACT CONT: published in proposed form for public comment. The comment period ended February 1, 1985. 50 FR 102 (Jan. 2, 1985).

Agency Contact: Lawrence B. Patent, Associate Chief Counsel, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA04

3554. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6d Commodity Exchange Act, Sec 4d; 7 USC 6f Commodity Exchange Act, Sec 4f; 7 USC 12a Commodity Exchange Act, Sec 8a

CFR Citation: 17 CFR 1.17

Abstract: In response to recent events in the commodities markets, the Commission has revised the proposed amendments to the Commission's minimum financial and related reporting requirements which had been pending final action. As revised, the proposed amendments would: (1) clarify the treatment to be accorded to

securities in current assets, whether or not such securities are subject to repurchase agreements; (2) require FCMs to calculate a concentration charge in computing their adjusted net capital; (3) change the treatment of debit/deficit accounts; and (4) clarify the requirements for and the treatment of a guaranteed account.

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
NPRM	08/05/85	50 FR 31612
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: **Lawrence Patent or Gary Miller**, Assoc. Chief Counsel and Asst. Chief Acct., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA10

3555. REGULATIONS GOVERNING THE OFFER AND SALE OF FOREIGN FUTURES CONTRACTS IN THE UNITED STATES

Legal Authority: 7 USC 6(b) Commodity Exchange Act, Sec 4(b)

CFR Citation: Not yet determined

Abstract: Section 4(b) of the Commodity Exchange Act, as amended by the Futures Trading Act of 1982, authorizes the Commission to adopt rules and regulations proscribing fraud in the offer and sale of foreign futures contracts in the United States and requiring minimum financial standards, the keeping of books and records, the safeguarding of customer funds and the registration with the Commission of any person located in the United States who engages in the offer and sale of such contracts. The Commission has published an advance notice of proposed rulemaking to assist in determining the need for a more formal regulatory program to implement the provisions of Section 4(b) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	07/25/84	49 FR 29963
NPRM	12/31/85	

Small Entity: Undetermined

Agency Contact: **Jane C. Kang**, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA33

3556. COMMODITY OPTIONS; MARGINS

Legal Authority: 7 USC 6c Commodity Exchange Act, Sec 4c; 7 USC 6d Commodity Exchange Act, Sec 4d; 7 USC 6f Commodity Exchange Act, Sec 4f; 7 USC 7 Commodity Exchange Act, Sec 5; 7 USC 7a Commodity Exchange Act, Sec 5a; 7 USC 12a(5) Commodity Exchange Act, Sec 8a(5)

CFR Citation: 17 CFR 1; 17 CFR 33

Abstract: The Commission is proposing to amend Commission regulation 33.4(a)(2), which currently provides that a contract market applying for designation to trade commodity option contracts must require full payment of option premiums by the contract market's clearing organization. Under the proposed rule amendment, a contract market could choose instead to adopt rules permitting its members to make a deposit with respect to the option premium, subject to certain proposed requirements. In addition, the Commission is proposing to amend regulations 1.3, 1.12 and 1.17 to reflect in its minimum financial requirements for futures commission merchants the margin treatment which may be accorded option positions under proposed amendments to regulation 33.4(a)(2).

Timetable:

Action	Date	FR Cite
ANPRM	03/15/83	48 FR 10857
Rule-related Notice	10/31/83	48 FR 50073
NPRM	03/09/84	49 FR 8937
Final Action	.12/31/85	

Small Entity: Undetermined

Agency Contact: **Robert H. Rosenfeld**, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA34

3557. REPORTING REQUIREMENTS FOR CONTRACT MARKETS, FUTURES COMMISSION MERCHANTS, CLEARING MEMBERS, AND TRADERS

Legal Authority: 7 USC 2 Commodity Exchange Act, Sec 2(a)(1); 7 USC 6c Commodity Exchange Act, Sec 4c; 7 USC 6d Commodity Exchange Act, Sec 4d; 7 USC 6f Commodity Exchange Act, Sec 4f; 7 USC 6g Commodity Exchange Act, Sec 4g; 7 USC 6k Commodity Exchange Act, Sec 4k; 7 USC 6i Commodity Exchange Act, Sec 4i; 7 USC 6m Commodity Exchange Act, Sec 4m; 7 USC 6n Commodity Exchange Act, Sec 4n; 7 USC 7a Commodity Exchange Act, Sec 5a (1982); 7 USC 12a Commodity Exchange Act, Sec 8a

CFR Citation: 17 CFR 16; 17 CFR 17; 17 CFR 18; 17 CFR 21

Abstract: The Commission is proposing amendments to Parts 16 and 17 of its regulations which are intended to provide the Commission with important surveillance data on a more timely basis. Proposed amendments to Part 16 would require that exchanges submit data under Rules 16.00, 16.01 and 16.02 to the Commission by 12:00 noon on the business day following the day to which the information pertains. Currently, the time of day for exchange submissions is not specified. Under the proposed amendments to Part 17, all futures commission merchants (FCMs), clearing members and foreign brokers would be required to submit the information specified under Rule 17.00(a) in machine readable form unless otherwise directed by the Commission or its designee. FCMs and foreign brokers which are exempt from automated reporting and which mail reports would have to mail such reports not later than the day covered by the report. The Commission also is proposing clarifying amendments to Rule 16.06 which requires a contract market promptly to inform the Commission of errors and (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	50 FR 30450
Rule-Related Notice	08/30/85	50 FR 35247
Final Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: omissions in data it has provided to the Commission and to Rule 18.04 concerning information provided by large traders on CFTC Form 40.

Agency Contact: Lamont L. Reese, Commodity Futures Trading Commission, Division of Economic Analysis, 2033 K Street, NW, Washington, DC 20581, **202 254-3310**

RIN: 3038–AA38

3558. ACTIVITIES OF PERSONS POSSESSING MATERIAL, NONPUBLIC INFORMATION

Legal Authority: 7 USC 5 Commodity Exchange Act, Sec 3; 7 USC 6b Commodity Exchange Act, Sec 4b; 7 USC 7 Commodity Exchange Act, Sec 5; 7 USC 7a Commodity Exchange Act, Sec 5a; 7 USC 8 Commodity Exchange Act, Sec 6; 7 USC 13a Commodity Exchange Act, Sec 6b; 7 USC 12 Commodity Exchange Act, Sec 8; 7 USC 12a Commodity Exchange Act, Sec 8a; 7 USC 13 Commodity Exchange Act, Sec 9

CFR Citation: 17 CFR 1

Abstract: The Commission has proposed to adopt regulation 1.59 which would require designated self-regulatory organizations to adopt rules that prohibit their employees from trading certain futures or options contracts which are related to their employment responsibilities and from divulging material, nonpublic information obtained as a result of employment at the self-regulatory organization. It also would be a violation of proposed regulation 1.59 for an employee to divulge material, nonpublic information obtained by reason of employment at a self-regulatory organization. Finally, the proposed regulation would require exchanges to adopt rules prohibiting members of their governing boards from trading in certain markets prior to the announcement of market regulatory decisions.

Timetable:

Action	Date	FR Cite
NPRM	05/11/85	50 FR 24533
Final Action	10/31/85	

Small Entity: No

Agency Contact: De'Ana Hamilton-Brown, Attorney, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038–AA39

3559. TRADE TIME-SEQUENCING STANDARDS AND EXCHANGE AUDIT TRAIL SYSTEMS

Legal Authority: 7 USC 6b Commodity Exchange Act, Sec 4b; 7 USC 6c Commodity Exchange Act, Sec 4c; 7 USC 6g Commodity Exchange Act, Sec 4g; 7 USC 6j Commodity Exchange Act, Sec 4j; 7 USC 7 Commodity Exchange Act, Sec 5; 7 USC 7a Commodity Exchange Act, Sec 5a; 7 USC 12 Commodity Exchange Act, Sec 8; 7 USC 12a Commodity Exchange Act, Sec 8a; 7 USC 12c Commodity Exchange Act, Sec 8c

CFR Citation: 17 CFR 1

Abstract: The Commission has proposed an amendment to its regulation 1.35 (g) which would require that the time of trade execution be recorded to the nearest minute by each party to all transactions executed on the contract markets. The amendments would require that this trade execution time also appear on the trade register, which the contract markets are required to maintain pursuant to Commission regulation 1.35(e). The proposed amendments also would require that a mechanical or electronic time recordation system be used by the parties to each trade, although the proposed amendments also provide that, as an interim measure, other than mechanical or electronic means may be employed to capture the trade execution time to the nearest minute. The amendments are intended to enhance the audit trail capabilities of the contract markets, thus improving the ability to detect and prosecute trade practice abuses.

Timetable:

Action	Date	FR Cite
NPRM	12/27/84	49 FR 50190
NPRM Comment Period Begin	12/27/84	50 FR 8639
NPRM Comment Period End	04/26/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Agency Contact: Thomas M. McGivern, Attorney, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038–AA40

3560. ● MARGINING OF EXCHANGE - TRADED COMMODITY OPTION POSITIONS

Legal Authority: 7 USC 2 Commodity Exchange Act, Sec. 2(a)(1)(A); 7 USC 2a Commodity Exchange Act, Sec. 2(a)(1)(B); 7 USC 6c(c) Commodity Exchange Act, Sec. 4c(c); 7 USC 6d Commodity Exchange Act, Sec. 4d; 7 USC 7 Commodity Exchange Act, Sec. 5; 7 USC 7a Commodity Exchange Act, Sec. 5a; 7 USC 12a(5) Commodity Exchange Act, Sec. 8a(5)

CFR Citation: 17 CFR 33

Abstract: The Commission has proposed to adopt a guideline pursuant to which the Commission will review and approve the rules of designated contract markets relating to the margining of option positions. The proposed guideline is intended to serve as a basis for ensuring, to the extent possible, that the margin assessed by contract markets on option positions both long and short, is commensurate with the risk assumed. This proposal is a direct response to the events resulting in the liquidation on March 20, 1985 by the Comex Clearing Corporation, Inc., of customer accounts carried by Volume Investors Corporation.

Timetable:

Action	Date	FR Cite
NPRM	08/05/85	50 FR 31625
Final Action	00/00/00	

Small Entity: No

Agency Contact: Kevin M. Foley, Chief Counsel, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038–AA43

3561. ● TRANSFER OR LIQUIDATION OF OPEN COMMODITY CONTRACTS CARRIED BY A CLEARING MEMBER FUTURES COMMISSION MERCHANT

Legal Authority: 7 USC 2 Commodity Exchange Act, Sec. 2(a)(1)(A); 7 USC 2a Commodity Exchange Act, Sec. 2(a)(1)(B); 7 USC 5c(c) Commodity Exchange Act, Sec. 4c(c); 7 USC 6d Commodity Exchange Act, Sec. 4d; 7 USC 7 Commodity Exchange Act, Sec. 5; 7 USC 7a Commodity Exchange Act, Sec. 5a; 7 USC 12a(5) Commodity Exchange Act, Sec. 8a(5); 7 USC 24 Commodity Exchange Act, Sec. 24

CFR Citation: 17 CFR 1; 17 CFR 190

Abstract: The Commission has requested comment on whether it should propose rules requiring each contract market and its related clearing association to adopt regulations governing the procedure pursuant to which the open commodity contracts carried by a clearing member futures commission merchant ("FCM") which

has defaulted on a margin obligation are transferred or liquidated. The Commission also has requested comment on whether it should amend its rules relating to liquidation of open positions in the event of a commodity broker bankruptcy, Commission rule 190.04(d). This proposal is a direct response to the events surrounding the liquidation on March 20, 1985 by the Comex Clearing Association, Inc., of customer accounts carried by Volume Investors Corporation. Comments will assist the Commission in determining whether it should propose rules which would provide express general guidelines to contract markets and their related clearing organizations for addressing similar default situations and thereby eliminate ad hoc procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/05/85	50 FR 31623
Final Action	00/00/00	

Small Entity: No

Agency Contact: Kevin M. Foley, Chief Counsel, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA44

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Completed Actions

COMPLETED RULEMAKINGS

3562. LARGE TRADER REPORTING TO EXCHANGES

CFR Citation: 17 CFR 15; 17 CFR 16; 17 CFR 17; 17 CFR 18; 17 CFR 21

Completed:

Reason	Date	FR Cite
Withdrawn Incorporated within RIN 3038-AA38	10/01/85	

Small Entity: Not Applicable

Agency Contact: Lamont L. Reese 202 254-3310

RIN: 3038-AA09

3563. SPECULATIVE POSITION LIMITS

CFR Citation: 17 CFR 1; 17 CFR 150

Completed:

Reason	Date	FR Cite
Withdrawn	10/01/85	

Small Entity: No

Agency Contact: Paul M. Architzel 202 254-6990

RIN: 3038-AA24

3564. EXEMPTION FOR CERTAIN ENTITIES FROM REGULATION AS A COMMODITY POOL OPERATOR

CFR Citation: 17 CFR 3; 17 CFR 4

Completed:

Reason	Date	FR Cite
Final Action	04/23/85	50 FR 15868

Small Entity: No

Agency Contact: Barbara Stern 202 254-8955

RIN: 3038-AA30

3565. CONTRACT MARKET ENFORCEMENT OF FLOOR BROKER REGISTRATION REQUIREMENTS

CFR Citation: 17 CFR 1.62

Completed:

Reason	Date	FR Cite
Final Action	06/05/85	50 FR 23666

Small Entity: No

Agency Contact: Lawrence B. Dolins and Jane C. Kang 202 254-8955

RIN: 3038-AA36

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

3566. ◉ CONTRACT MARKET RULE REVIEW PROCEDURES

Legal Authority: 7 USC 6c Commodity Exchange Act, Sec. 4c; 7 USC 7a Commodity Exchange Act, Sec. 5a; 7 USC 12a Commodity Exchange Act, Sec. 8a

CFR Citation: 17 CFR 1.41

Abstract: The Commission has amended regulation 1.41 to provide that certain routine changes in contract market rules relating to terms and conditions of futures or option contracts will be deemed approved by the Commission pursuant to Section 5a(12) of the Commodity Exchange Act either at the time such changes are adopted by a contract market, or ten days after receipt by the Commission of a proposed change. Specifically, changes in indices other than stock indices in which futures or option contracts are traded, changes in trading hours, changes in trading months, changes in particular contract terms established by independent third parties, and other types of changes which may be designated at a later date will be deemed approved by the Commission, provided that they satisfy conditions set forth in the amendments now being adopted by the Commission. In addition, the Commission is amending regulation 1.41a to delegate to the Director of the Division of Trading and Markets and to the Director of the Division of Economic Analysis, (cont)

Timetable:

Action	Date	FR Cite
Final Action	07/24/85	50 FR 30135
Final Action Effective	08/23/85	50 FR 30135

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Paul Architzel, Chief Counsel, Division of Economic Analysis, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-6990.

ABSTRACT CONT: or their respective delegees, authority to determine whether particular contract market submissions are consistent with the provisions of these amendments.

Agency Contact: John Lawton, Attorney, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA45

[FR Doc. 85-21625 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XLVI

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CPSC

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing for a 12-month period rules expected to be proposed or promulgated which may have a significant economic impact on a substantial number of small entities. In this document, the Commission publishes its tenth semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions under development or review during the succeeding 12 months by the agency and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments from small entities, including small businesses, small organizations, and small governmental units, upon each subject area of the agenda. Written comments concerning the agenda should be received in the Office of the Secretary by December 31, 1985.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6980. All inquiries from the press and broadcast media should be directed to Lou Brott, Office of Public Affairs, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (202) 634-7780. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of any rule expected to be proposed or promulgated which may have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the objectives and legal basis for each agenda item and a schedule for acting on each item, as well as the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or review and further states that such an agenda may be combined with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The tenth semiannual regulatory flexibility agenda, published below, lists for a 12-month period anticipated regulatory activities under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, D.C. 20207.

DATED: September 20, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3567	Upholstered furniture cigarette flammability standard	3041-AA01
3568	Petition CP 82-6. Petition to initiate a mandatory standard to limit the formaldehyde that could be released from pressed wood products made with urea-formaldehyde resins	3041-AA03
3569	Flammability classification regulations	3041-AA05
3570	Asbestos in selected consumer products	3041-AA11
3571	Petition AP 83-1. Petition to require labeling of constrained-spring twist-on connectors with aluminum wire	3041-AA21
3572	Requirements for the special packaging of household substances; advance notice of proposed rulemaking and notice of opportunity for oral presentations	3041-AA22
3573	Petition AP 83-2. Petition to require a labeling rule for crimp type electrical connectors	3041-AA26
3574	Petition HP 84-1. Petition to request amendment to the regulations on electrical toys to exempt electronic video games	3041-AA41

CPSC

Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
3575	Petition HP 84-2. Petition to request amendments to electrical toy regulations (16 CFR 1505)	3041-AA49
3576	Federal Hazardous Substances Act regulations for first aid labeling of products containing more than 5 percent of benzene or 10 percent of toluene, xylene, or petroleum distillates	3041-AA52
3577	All-Terrain Vehicles	3041-AA53
3578	Supplemental definition for the Federal Hazardous Substances Act definition of "strong sensitizer"	3041-AA54
3579	Petition PP 85-1. Petition for exemption of certain effervescent tablets containing aspirin from requirements for child-resistant packaging	3041-AA55
3580	Petition PP 85-2. Petition for rule to make disposable lighters child-resistant	3041-AA56
3581	Substantial product hazard reports	3041-AA57

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
3582	Rule review	3041-AA19
3583	Rule review	3041-AA20
3584	Rule review	3041-AA24
3585	Rule review	3041-AA25
3586	Exemption from classification as a banned toy or other banned article for use by children -- caps (paper or plastic)	3041-AA35

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3587	Consumer product safety standard for "chain saws and their component and replacement parts"	3041-AA00
3588	Petition CP 83-1. Petition to establish standards for recuperative gas furnaces to address corrosion of the furnace venting system	3041-AA27
3589	Petition CP 83-2. Petition to establish standards for swimming pool covers	3041-AA38
3590	Petition PP 84-1. Petition to require special packaging for liquid household bleach products	3041-AA45
3591	Petition CP 84-2. Petition to request safety standards for shoulder pads worn by Lacrosse players	3041-AA50

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Current and Projected Rulemakings

3567. UPHOLSTERED FURNITURE CIGARETTE FLAMMABILITY STANDARD

Legal Authority: 15 USC 1193 FFA; 15 USC 1194 FFA

CFR Citation: 16 CFR 1633

Abstract: The Commission continued cooperative efforts with the upholstered furniture industry to improve the cigarette ignition resistance of upholstered furniture. In 1981, the Commission voted to defer mandatory regulatory action on upholstered furniture in order to work with manufacturers participating in the Voluntary Action Program (VAP) of the Upholstered Furniture Action Council (UFAC) on improvements in the cigarette ignition resistance of upholstered furniture. This program may eliminate the need for a mandatory standard. A 1984 evaluation of upholstered furniture produced by UFAC participating companies, following implementation of "Phase 2" of UFAC's VAP, indicated that these changes can be expected to result in a significant improvement in the cigarette ignition resistance of upholstered furniture. These tests also indicated that furniture without box welts and furniture covered with predominantly cellulosic fabrics ignited relatively easily, and represented a continuing problem. A report on Commission and industry activities to further improve these aspects is under preparation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Affected Sectors:

25 FURNITURE AND FIXTURES

Agency Contact: James Hoebel, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA01

3568. PETITION CP 82-6. PETITION TO INITIATE A MANDATORY STANDARD TO LIMIT THE FORMALDEHYDE THAT COULD BE RELEASED FROM PRESSED WOOD PRODUCTS MADE WITH UREA-FORMALDEHYDE RESINS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act

CFR Citation: Not yet determined

Abstract: The Commission staff anticipates completion of a study concerning consumer exposure to formaldehyde emissions from pressed-wood products in September 1985. The Commission will consider this study in determining whether any further action by the Commission is warranted to address any hazard to consumers which may be associated with exposure to formaldehyde from pressed-wood products. The Commission will also consider this study in deciding whether to grant or deny a petition from Consumer Federation of America requesting the Commission to issue a mandatory consumer product safety standard to limit the amount of formaldehyde which can be released from pressed-wood products made with urea-formaldehyde resin. The Commission received this petition on August 19, 1982.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: James Hoebel, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA03

3569. FLAMMABILITY CLASSIFICATION REGULATIONS

Legal Authority: 15 USC 1261(l) FHSA; 15 USC 1269(a) FHSA

CFR Citation: 16 CFR 1500.3(b)(10); 16 CFR 1500.3(c)(6); 16 CFR 1500.43

Abstract: On April 26, 1984, the Commission published in the Federal Register a proposal to amend its regulations for classifying extremely flammable, flammable and combustible hazardous substances which release ignitible vapors. The staff has completed its analysis of issues raised by comments on the proposal, and expects to forward a briefing package to the Commission in September 1985 with recommendations for final action by the Commission. If issued on a final basis, the proposed amendments would bring the Commission's test method and flammability classification procedures into general conformity with the practices of other federal agencies and voluntary standards setting organizations.

Timetable:

Action	Date	FR Cite
NPRM	04/26/84	49 FR 17956
NPRM Comment Period Begin	04/26/84	49 FR 17956
NPRM Comment Period End	08/24/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA05

3570. ASBESTOS IN SELECTED CONSUMER PRODUCTS

Legal Authority: 15 USC 1261 et seq FHSA; 15 USC 2058 CPSA; 15 USC 2080(b) CPSA

CFR Citation: Not yet determined

Abstract: Hazard information shows that asbestos presents a risk of cancer and respiratory disease. The staff anticipates completion of a briefing package in September 1985, to transmit information to the Commission for consideration in deciding whether additional regulatory action with regard to asbestos in consumer products may be appropriate. The Commission has tested several consumer products for release of asbestos fibers, and is a charter member of the Federal Asbestos Task Force.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
Notice of availability of CHAP report	05/25/83	48 FR 23473

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Abbie Gerber, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, **301 492-6957**

RIN: 3041-AA11

3571. PETITION AP 83-1. PETITION TO REQUIRE LABELING OF CONSTRAINED-SPRING TWIST-ON CONNECTORS WITH ALUMINUM WIRE

Legal Authority: 15 USC 2076(e) CPSA

CFR Citation: Not yet determined

Abstract: In correspondence dated December 1, 1982, Dr. Jesse Aronstein petitioned the Commission to issue a regulation that would require the labeling of constrained-spring twist-on wiring connectors to advise consumers that a fire hazard may result if such connectors are used with aluminum wiring. On July 17, 1985, Dr. Aronstein made an oral presentation to the Commission in support of this petition. After hearing Dr. Aronstein's presentation, the Commission requested additional information from its technical staff, and invited comment from voluntary standards organizations concerned with the wiring connectors which are the subject of this petition. If the Commission grants the petition, it will begin a rulemaking proceeding to issue the rule requested by the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA21

3572. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; ADVANCE NOTICE OF PROPOSED RULEMAKING AND NOTICE OF OPPORTUNITY FOR ORAL PRESENTATIONS

Legal Authority: 15 USC 1472 PPPA; 15 USC 1473 PPPA

CFR Citation: 16 CFR 1700.20

Abstract: On January 19, 1983 the Commission published an Advanced Notice of Proposed Rulemaking soliciting comments on ways to amend the existing child resistant packaging requirements to improve the effectiveness and efficiency of these requirements.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period Begin	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, **301 492-6957**

RIN: 3041-AA22

3573. PETITION AP 83-2. PETITION TO REQUIRE A LABELING RULE FOR CRIMP TYPE ELECTRICAL CONNECTORS

Legal Authority: 15 USC 2076(e) CPSA; 5 USC 553(e) APA

CFR Citation: Not yet determined

Abstract: In correspondence dated May 1, 1983, Dr. Jesse Aronstein petitioned the Commission to issue a regulation that would require the labeling of hand tool crimp-type electrical wiring connectors to advise consumers of suitable applications and warn of hazards which may result if such connecting devices are used in applications for which they are not rated. On July 17, 1985, Dr. Aronstein made an oral presentation to the Commission in support of this petition. After hearing Dr. Aronstein's presentation, the Commission requested additional information from its technical staff, and invited comment from voluntary standards organizations concerned with the wiring connectors which are the subject of this petition. If the Commission grants the petition, it will begin a rulemaking proceeding to issue the rule requested by the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA26

3574. PETITION HP 84-1. PETITION TO REQUEST AMENDMENT TO THE REGULATIONS ON ELECTRICAL TOYS TO EXEMPT ELECTRONIC VIDEO GAMES

Legal Authority: 15 USC 1261 FHSA; 15 USC 1262 FHSA

CFR Citation: 16 CFR 1505

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to request an amendment to the regulation on electrical toys that would exempt electronic video games from coverage. If the Commission grants the petition it will proceed to develop an exemption to the standard.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA41

3575. PETITION HP 84-2. PETITION TO REQUEST AMENDMENTS TO ELECTRICAL TOY REGULATIONS (16 CFR 1505)

Legal Authority: 15 USC 1261 FHSA; 15 USC 1262 FHSA

CFR Citation: 16 CFR 1505

Abstract: In correspondence dated March 8, 1984, the Toy Manufacturers of America petitioned the Commission to amend the requirements for electronically operated toys or other articles electronically operated and intended for use by children. If the Commission grants the petition it will begin a rulemaking proceeding to amend the regulation as requested by the petitioner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, D. C. 20207, **301 492-6554**

RIN: 3041-AA49

3576. FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS FOR FIRST AID LABELING OF PRODUCTS CONTAINING MORE THAN 5 PERCENT OF BENZENE OR 10 PERCENT OF TOLUENE, XYLENE, OR PETROLEUM DISTILLATES

Legal Authority: 15 USC 1261(p)(1) FHSA

CFR Citation: 16 CFR 1500.14(b)(3)

Abstract: The Commission staff has prepared a draft of a proposed regulation to amend the FHSA regulations for first aid labeling of products containing more than 5 per cent of benzene or 10 per cent of toluene, xylene, or petroleum distillates by eliminating the current requirement

that such labeling must contain the direction "if swallowed, do not induce vomiting." Current expert opinion is that the decision of whether to induce vomiting as a first aid treatment should be made on a case-by-case basis, depending on the toxicity of the individual product and the amount ingested. The staff anticipates transmittal of the proposed amendment to the Commission in September of 1985. If approved by the Commission, the proposed amendment will be published in the Federal Register to solicit written comments for all interested parties.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, D. C.20207, **301 492-6957**

RIN: 3041-AA52

3577. ● ALL-TERRAIN VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 2051 et seq CPSA; 15 USC 1262(e) FHSA

CFR Citation: Not yet determined

Abstract: On May 31, 1985, the Commission published an advance notice of proposed rulemaking (ANPR) to announce its preliminary determination that an unreasonable risk of injury may be associated with all-terrain vehicles. An all-terrain vehicle (ATV) is a motorized machine intended to be ridden by one person and designed for off-road use for recreational and other purposes. ATVs are manufactured in three-wheel and four-wheel designs. The ANPR solicited written comments concerning risks of injury which may be associated with ATVs, rulemaking and other actions authorized by the Consumer Product Safety Act and the Federal Hazardous Substances Act to address such risks of injury; and alternatives to regulatory action, including voluntary standards. The ANPR also announced that the Commission would conduct public hearings to obtain information related to the safety of ATVs. Those hearings were conducted in five cities during the months of May through October 1985.

Timetable:

Action	Date	FR Cite
ANPRM	05/31/85	50 FR 23139
ANPRM Comment Period Begin	05/31/85	50 FR 23139
On 08/02/85 (50 FR 31391) the ANPRM Comment Period was extended to 09/30/85		

Small Entity: Undetermined

Agency Contact: Nick Marchica, Chairman, ATV Task Force, Consumer Product Safety Commission, Office of Program Management, Washington, D. C. 20207, **301 492-6554**

RIN: 3041-AA53

3578. ● SUPPLEMENTAL DEFINITION FOR THE FEDERAL HAZARDOUS SUBSTANCES ACT DEFINITION OF "STRONG SENSITIZER"

Legal Authority: 15 USC 1261 FHSA; 15 USC 1269 FHSA

CFR Citation: 16 CFR 1500.3(c)(5)

Abstract: The Commission staff is preparing a draft of a proposed regulation to define the term "strong sensitizer" to supplement the definition of that term set forth in the Federal Hazardous Substances Act. The supplemental definition will explain how the statutory definition will be applied, and will provide criteria to be used by the Commission in designating substances as "strong sensitizers" for purposes of the FHSA. The staff anticipates that the proposed amendment will be transmitted to the Commission in September of 1985. If approved by the Commission, the proposed amendment will be published in the Federal Register to solicit written comments from all interested parties.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Virginia White, Senior Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, D. C. 210207, **301 492-6957**

RIN: 3041-AA54

3579. ● PETITION PP 85-1. PETITION FOR EXEMPTION OF CERTAIN EFFERVESCENT TABLETS CONTAINING ASPIRIN FROM REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

Legal Authority: 15 USC 1471 et seq. PPPA

CFR Citation: 16 CFR 1700.14(a)(1)(i)

Abstract: By letter dated March 25, 1985, Miles Laboratories, Inc. petitioned the Commission to amend existing provisions of 16 CFR 1700.14(a)(1)(i) which exempt certain effervescent tablets containing aspirin from requirements for child-resistant packaging. The amendment requested by this petition would increase the percentage of aspirin allowed in products eligible for the exemption from 10 per cent to 15 per cent and would specify the required carbon dioxide content in terms of the quantity per tablet rather than the quantity per grain of aspirin. If the Commission grants this petition, it will publish a proposed amendment in the Federal Register to solicit written comments from all interested parties.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Virginia White, Senior Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, D. C. 20207, **301 492-6957**

RIN: 3041-AA55

3580. ● PETITION PP 85-2. PETITION

FOR RULE TO MAKE DISPOSABLE LIGHTERS CHILD-RESISTANT

Legal Authority: 15 USC 1471 et seq. PPPA

CFR Citation: Not yet determined

Abstract: On May 3, 1985, the Commission received a petition from Diane L. Denton, R.N., requesting the Commission to initiate a rulemaking proceeding to establish requirements applicable to disposable lighters to make those products child-resistant. The staff is preparing a briefing package containing information for consideration by the Commission in deciding whether to grant or deny the petition. If the Commission grants the petition, it will initiate rulemaking proceeding by publication of either an advance notice of proposed rulemaking or a proposed rule in the Federal Register.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Stanley Morrow, Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, D. C. 20207, **301 492-6554**

RIN: 3041-AA56

3581. ● SUBSTANTIAL PRODUCT HAZARD REPORTS

Legal Authority: 15 USC 2064

CFR Citation: 16 CFR 1115

Abstract: On December 28, 1984, the Commission published a notice in the Federal Register to invite written comments on a statement of enforcement policy concerning substantial product hazard reports which the Commission had published on April 6, 1984. The policy statement clarified the Commission's interpretation of requirements for reporting substantial product hazards established by section 15 of the Consumer Product Safety Act. The staff has drafted an analysis of issues raised by the comments on the policy statement. This analysis will be considered by the Commission in deciding whether to modify the policy statement in response to comments.

Timetable:

Action	Date	FR Cite
Enforcement policy statement	04/06/84	49 FR 13820
Notice of opportunity to submit written comments on policy	12/28/84	49 FR 50373
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Michael J. Gidding, Attorney, Consumer Product Safety Commission, Directorate for Compliance and, Administrative Litigation, Washington, D. C. 20207, **301 492-6626**

RIN: 3041-AA57

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Existing Regulations Under Review

3582. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 2051 et seq CPSA

CFR Citation: 16 CFR 1009; 16 CFR 1019; 16 CFR 1115; 16 CFR 1201; 16 CFR 1202; 16 CFR 1205; 16 CFR 1207; 16 CFR 1209; 16 CFR 1212; 16 CFR 1301; 16 CFR 1302; 16 CFR 1303; 16 CFR 1304; 16 CFR 1305; 16 CFR 1401; ...

Abstract: In June of 1985, The staff transmitted to the Commission a report concerning the economic impact on small businesses of seventeen (17) rules and standards issued under provisions of the Consumer Product Safety Act. This report was prepared as part of a review of existing rules required by the Regulatory Flexibility Act. The Commission is considering the staff report and a draft Federal Register notice concerning the report.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	10/22/82	47 FR 46861
Public Comment Period Ends	12/27/82	
Publication in Federal Register - Completion of review activity	10/00/85	

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA19

3583. RULE REVIEW

Legal Authority: 5 USC 610 RFA; 15 USC 1193 FFA; 15 USC 1194 FFA; 15 USC 2079 CPSA

CFR Citation: 16 CFR 1608; 16 CFR 1610; 16 CFR 1611; 16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

Abstract: On February 2, 1984, the Commission published a Federal Register Notice listing eight (8) rules and standards issued under the Flammable Fabrics Act, and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/02/84	49 FR 4103
Public Comment Period Ends	04/02/84	49 FR 4103
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA20

3584. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1471 PPPA

CFR Citation: 16 CFR 1700; 16 CFR 1701; 16 CFR 1702; 16 CFR 1704

Abstract: The Commission plans to publish a Federal Register Notice listing four (4) rules and standards issued under the Poison Prevention Packaging Act, and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA24

3585. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1261 FHSA

CFR Citation: 16 CFR 1500; 16 CFR 1501; 16 CFR 1505; 16 CFR 1507; 16 CFR 1508; 16 CFR 1509; 16 CFR 1510; 16 CFR 1511; 16 CFR 1512

Abstract: On February 22, 1984, the Commission published a Federal Register Notice listing nine (9) rules and standards issued under the Federal Hazardous Substances Act, soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/22/84	49 FR 6504
Public Comment Period Ends	04/23/84	49 FR 6504

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA25

3586. EXEMPTION FROM CLASSIFICATION AS A BANNED TOY OR OTHER BANNED ARTICLE FOR USE BY CHILDREN -- CAPS (PAPER OR PLASTIC)

Legal Authority: 15 USC 1261(f)1(D); 15 USC 1262(e)(1); 15 USC 2079(a); 15 USC 1261(q)(1)(a); 15 USC 1261(s)

CFR Citation: 16 CFR 1500.18(a)(5); 16 CFR 1500.86(a)(6)

Abstract: For more than ten years a regulation has existed under the Federal Hazardous Substances Act that was an "interim" regulation. Caps producing sound levels in the range of 138-158 decibels have been banned, but are exempt from the ban if they are properly labeled and if firms producing them report to the Commission on programs to reduce the sound levels. The Commission will be considering whether to revoke the exemption and thus ban the caps or to expand the exemption to allow their marketing without any restrictions. Any action will be based on as-yet-undetermined analyses of the various costs and benefits associated with these two approaches or any other approaches that the Commission might pursue.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Linda Glatz, Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA35

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) Completed Actions

COMPLETED RULEMAKINGS

3587. CONSUMER PRODUCT SAFETY STANDARD FOR "CHAIN SAWS AND THEIR COMPONENT AND REPLACEMENT PARTS"

CFR Citation: 16 CFR Chapter II

Completed:

Reason	Date	FR Cite
Commision decision - terminate proceeding	08/07/85	50 FR 35241

Small Entity: Undetermined

Agency Contact: Carl W. Blechschmidt 301 492-6554

RIN: 3041-AA00

3588. PETITION CP 83-1. PETITION TO ESTABLISH STANDARDS FOR RECUPERATIVE GAS FURNACES TO ADDRESS CORROSION OF THE FURNACE VENTING SYSTEM

CFR Citation: 00 CFR Not Yet Determined

Completed:

Reason	Date	FR Cite
Commission decision - petition denied	09/11/85	

Small Entity: Undetermined

Agency Contact: Stanley Morrow 301 492-6554

RIN: 3041-AA27

CPSC

Completed Actions

3589. PETITION CP 83-2. PETITION TO ESTABLISH STANDARDS FOR SWIMMING POOL COVERS

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Final Action Commission decision to deny petition	06/19/85	

Small Entity: Undetermined

Agency Contact: Ronald L. Medford 301 492-6554

RIN: 3041-AA38

3590. PETITION PP 84-1. PETITION TO REQUIRE SPECIAL PACKAGING FOR LIQUID HOUSEHOLD BLEACH PRODUCTS

CFR Citation: 16 CFR 1700.14

Completed:

Reason	Date	FR Cite
Final Action Commission decision to deny petition	05/15/85	

Small Entity: Undetermined

Agency Contact: Virginia A. White 301 492-6957

RIN: 3041-AA45

3591. PETITION CP 84-2. PETITION TO REQUEST SAFETY STANDARDS FOR SHOULDER PADS WORN BY LACROSSE PLAYERS

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Commission decision - petition denied	09/11/85	

Small Entity: Undetermined

Agency Contact: Stanley Morrow 301 492-6554

RIN: 3041-AA50

[FR Doc. 85-23423 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XLVII

Farm Credit Administration

Semiannual Regulatory Agenda

FCA

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Federal Regulations

AGENCY: Farm Credit Administration.

ACTION: Department Unified Agenda of Regulations and review list.

SUMMARY: The Farm Credit Administration, as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations which it will have under development and review during the period of October 1985 through April 1986.

FOR FURTHER INFORMATION CONTACT: Dorothy J. Acosta, Associate General Counsel, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4020).

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. Farm Credit Administration ("FCA") regulations which apply to Farm Credit System banks and associations do not and will not have a substantial impact on small entities. None of the entities regulated by the FCA fall within the definition of small entities in the Regulatory Flexibility Act. While many associations through which banks lend are smaller in size than their banks, they are not independently operated, as they are closely supervised by the banks, which must approve most of their operating policies. The associations rely exclusively on their supervising banks for their source of funds. Furthermore, the associations do not compete with each other since, as with their supervising banks, each serves only a particular geographic area.

While FCA is an independent Agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

DATED: August 27, 1985.

Donald E. Wilkinson,

Governor.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3592	Farm Credit Administration	3052-AA00
3593	Senior Deputy Governor, Deputy Governors and General Counsel	3052-AA01
3594	Other Administrative Units	3052-AA02
3595	Farm Credit Districts and Institutions	3052-AA03
3596	Part 601 - Employee Responsibilities and Conduct	3052-AA04
3597	Part 602 - Releasing Information	3052-AA05
3598	Part 602 - Releasing Information	3052-AA06
3599	Part 603 - Privacy Act Regulations	3052-AA07
3600	Part 604 - Meetings of the Federal Farm Credit Board	3052-AA08
3601	Limitation on Special Assignments	3052-AA09
3602	Cooperative Eligibility	3052-AA11
3603	Part 614 - Loan Policies and Operations	3052-AA12
3604	Loans Outside of Bank's Territory - Banks for Cooperatives	3052-AA13
3605	Methods of Financing	3052-AA36
3606	Obligations Eligible for Discount or Purchase	3052-AA37
3607	Part 615 - Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations	3052-AA38
3608	Overall Review of 12 CFR Parts 611 - 618	3052-AA48
3609	Disclosure of Information on Reports to Shareholders-- Parts 602, 620 and 621	3052-AA49
3610	Part 602 - Releasing Information	3052-AA50
3611	Banks for Cooperatives	3052-AA51
3612	Part 614 - Loan Policies and Operations Subpart Q -- Banks for Cooperatives Financing International Trade	3052-AA52
3613	Part 601 - Employee Responsibilities and Conduct	3052-AA53
3614	Banks for Cooperatives	3052-AA54
3615	Part 603 - Privacy Act Regulations	3052-AA55
3616	Part 611 - Organization	3052-AA56
3617	Part 612 - Personnel Administration, Subpart A -- Human Resources Management	3052-AA57
3618	Part 614 - Loan Policies and Operations	3052-AA58
3619	Part 615 - Funding and Fiscal Affairs	3052-AA60
3620	Part 615 - Funding and Fiscal Affairs	3052-AA61
3621	Equal Housing Lender Poster	3052-AA62
3622	Part 617 - Examination, Audits and Investigations	3052-AA64
3623	Publication of Reports	3052-AA65
3624	Incorporation of Service Organizations	3052-AA66
3625	Part 606 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Farm Credit Administration	3052-AA67
3626	General	3052-AA69
3627	Real and personal property	3052-AA70

FCA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3628	Liquidation of Associations	3052-AA10
3629	Part 611-Subpart G--Amendments to Association Charters and Mergers and Consolidations	3052-AA43
3630	Banks for Cooperatives' Earnings	3052-AA59
3631	Frequency of Examinations and Audits	3052-AA63
3632	Inter-System Transfer of Funds and Equities	3052-AA68

FARM CREDIT ADMINISTRATION (FCA) — Current and Projected Rulemakings

3592. FARM CREDIT ADMINISTRATION

Legal Authority: PL 92-181; PL 96-592; 12 USC 1141(b)

CFR Citation: 12 CFR 600.1

Abstract: Technical amendment - change of address for Farm Credit Administration.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA00

3593. SENIOR DEPUTY GOVERNOR, DEPUTY GOVERNORS AND GENERAL COUNSEL

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 600.4

Abstract: Technical amendment - correct various titles and reference incorporation of Fiscal Agency.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kennth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA01

3594. OTHER ADMINISTRATIVE UNITS

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 600.5

Abstract: Technical amendment - to reflect current organizational divisions and sections.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA02

3595. FARM CREDIT DISTRICTS AND INSTITUTIONS

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 600.10

Abstract: Technical amendment - to correct address of various district banks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA03

3596. PART 601 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 601.101; 12 CFR 601.126; 12 CFR 601.127; 12 CFR 601.140; 12 CFR 601.176

Abstract: Technical amendments - to correct division and agency name changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA04

3597. PART 602 - RELEASING INFORMATION

Legal Authority: PL 92-181; 12 USC 2246; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 602.200 to 602.245; 12 CFR 614.4015; 12 CFR 617.7080; 12 CFR 618.8300 to 618.8350

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA05

3598. PART 602 - RELEASING INFORMATION

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 602.260; 12 CFR 602.261

Abstract: Technical amendments to correct division and agency name changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA06

3599. PART 603 - PRIVACY ACT REGULATIONS

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 603.300; 12 CFR 603.310; 12 CFR 603.340

Abstract: Technical amendments - to indicate agency, division and address changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean,VA 22102-5090, **703 883-4020**

RIN: 3052-AA07

3600. PART 604 - MEETINGS OF THE FEDERAL FARM CREDIT BOARD

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 604.300; 12 CFR 604.305; 12 CFR 604.310; 12 CFR 604.315; 12 CFR 604.320; 12 CFR 604.325; 12 CFR 604.330; 12 CFR 604.335; 12 CFR 604.340

Abstract: Technical amendments - renumber entire Part to coincide with numbering system used on other Parts. Sections 604.325 and 604.340 will reflect agency, division and address changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA08

3601. LIMITATION ON SPECIAL ASSIGNMENTS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211

CFR Citation: 12 CFR 611.1031

Abstract: Technical amendment - to indicate incorporation of Fiscal Agency.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA09

3602. COOPERATIVE ELIGIBILITY

Legal Authority: PL 92-181; 12 USC 2129

CFR Citation: 12 CFR 613.3110

Abstract: Amend eligibility standards for cooperatives, and reference services of cooperatives.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm

Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA11

3603. PART 614 - LOAN POLICIES AND OPERATIONS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211

CFR Citation: 12 CFR 614.4710; 12 CFR 614.4900

Abstract: Technical amendments - to indicate Fiscal Agency incorporation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA12

3604. LOANS OUTSIDE OF BANK'S TERRITORY - BANKS FOR COOPERATIVES

Legal Authority: PL 92-181; PL 96-592; 12 USC 2128

CFR Citation: 12 CFR 614.4080

Abstract: Amend international trade financing regulations to eliminate statutory conflict and address the issue of which bank will finance particular international transactions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA13

3605. METHODS OF FINANCING

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075

CFR Citation: 12 CFR 614.4600

Abstract: Loan qualification to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA36

3606. OBLIGATIONS ELIGIBLE FOR DISCOUNT OR PURCHASE

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075

CFR Citation: 12 CFR 614.4610

Abstract: Loan participations to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA37

3607. PART 615 - FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211

CFR Citation: 12 CFR 615.5010; 12 CFR 615.5103; 12 CFR 615.5105

Abstract: Technical amendments - to indicate Fiscal Agency incorporation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA38

3608. OVERALL REVIEW OF 12 CFR PARTS 611 - 618

Legal Authority: 12 USC 2252(a)(16); PL 92-181; 12 USC 2227; 12 USC 2183; 12 USC 2129; 12 USC 2253; 12 USC 2226; 12 USC 2071; 12 USC 2011

CFR Citation: 12 CFR 611.1010(c); 12 CFR 611.1140; 12 CFR 612.2110; 12 CFR 612.2120(b); 12 CFR 612.2080; 12 CFR 612.2090; 12 CFR 613.3020(c); 12 CFR 613.3040; 12 CFR 613.3110(a)(4); 12 CFR 613.3110(b)(2); 12 CFR 614.4015; 12 CFR 614.4051; 12 CFR 614.4070; 12 CFR 614.4130; 12 CFR 614.4160(c); ...

Abstract: Under review by FCA staff to determine whether to recommend the elimination or retention of existing FCA regulatory approval requirements affecting the operations of Farm Credit System institutions or replacement with regulatory guidelines.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL CFR CITATIONS: 12 CFR 614.4165(f); 12 CFR 614.4190(b); 12 CFR 614.4190(c); 12 CFR 614.4281; 12 CFR 614.4330(a); 12 CFR 614.4354(a)(4); 12 CFR 614.4354(e); 12 CFR 614.4460; 12 CFR 614.4511; 12 CFR 614.4630(a); 12 CFR 614.4630(b); 12 CFR 615.5040; 12 CFR 615.5102; 12 CFR 615.5103; 12 CFR 615.5104; 12 CFR 615.5105; 12 CFR 615.5135; 12 CFR 615.5330(a); 12 CFR 615.5340; 12 CFR 615.5370; 12 CFR 615.5420; 12 CFR 615.5453; 12 CFR 615.5550; 12 CFR 615.5160; 12 CFR 615.5220; 12 CFR 615.5290; 12 CFR 615.5320; 12 CFR 614.4345; 12 CFR 614.4450; 12 CFR 614.4455; 12 CFR 615.5100; 12 CFR 615.5140(a)(15); 12 CFR 613.3045; 12 CFR 614.4080; CFR 614.4120; 12 CFR 614.4210; 12 CFR 614.4220; 12 CFR 614.4261; 12 CFR 614.4334(c); 12 CFR 614.4770; 12 CFR 614.4710; 12 CFR 614.4720; 12 CFR 614.4800; 12 CFR 614.4900; 12 CFR 615.5151; 12 CFR 615.5320(b)(1); 12 CFR 615.5400; 12 CFR 618.8020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA48

3609. DISCLOSURE OF INFORMATION ON REPORTS TO SHAREHOLDERS--PARTS 602, 620 AND 621

Legal Authority: 12 USC 2252(a)(16); PL 92-181; 12 USC 2254; 12 USC 2252(a)(3)

CFR Citation: 12 CFR 602.250; 12 CFR 620.1; 12 CFR 620.2; 12 CFR 620.3; 12 CFR 620.10; 12 CFR 620.11; 12 CFR 621.1; 12 CFR 621.2; 12 CFR 621.3; 12 CFR 621.4; 12 CFR 621.5; 12 CFR 621.6; 12 CFR 621.7; 12 CFR 621.10; 12 CFR 621.11; ...

Abstract: Disclosure of information by System banks to stockholders and FCA. Regulations to be developed will require annual reports to shareholders and specify the contents thereof; of Farm Credit institutions require and information statement to be sent to shareholders prior to annual meetings at which directors are elected and specify the contents thereof; require reports of condition and performance to be submitted to FCA and specify the contents thereof; and set accounting standards to be followed by institutions of the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34711
NPRM Comment Period Begin	08/27/85	50 FR 34711
NPRM Comment Period End	10/23/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA49

3610. PART 602 - RELEASING INFORMATION

Legal Authority: 12 USC 2246; 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 602.200; 12 CFR 602.205; 12 CFR 602.215; 12 CFR 602.265

Abstract: Technical amendments to correct division and agency title changes and agency address.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA50

3611. BANKS FOR COOPERATIVES

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 614.4354

Abstract: Changes in lending limits for banks for cooperatives.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA51

3612. PART 614 - LOAN POLICIES AND OPERATIONS SUBPART Q -- BANKS FOR COOPERATIVES FINANCING INTERNATIONAL TRADE

Legal Authority: 12 USC 2128; 12 USC 2252(a)(16); PL 92-181

CFR Citation: Not yet determined

Abstract: Regulation to define "substantial benefit" as it refers to banks for cooperatives ability to enter into international financing agreements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA52

3613. PART 601 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 601.130; 12 CFR 601.150; 12 CFR 601.165; 12 CFR 601.170; 12 CFR 601.180

Abstract: Technical amendments to correct division names and agency titles. Correct reference to OPM.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA53

3614. BANKS FOR COOPERATIVES

Legal Authority: 12 USC 2243; PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 600.60

Abstract: Technical amendment to correct reference to location of Central Bank for Cooperatives.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA54

3615. PART 603 - PRIVACY ACT REGULATIONS

Legal Authority: 12 USC 2246; 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 603.315; 12 CFR 603.320; 12 CFR 603.325; 12 CFR 603.330; 12 CFR 603.335

Abstract: Technical amendments to indicate agency title and address changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA55

3616. PART 611 - ORGANIZATION

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 611.300; 12 CFR 611.500; 12 CFR 611.1031; 12 CFR 611.1100

Abstract: Technical amendments to indicate agency title, division and address changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA56

3617. PART 612 - PERSONNEL ADMINISTRATION, SUBPART A -- HUMAN RESOURCES MANAGEMENT

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 612.2000; 12 CFR 612.2080; 12 CFR 612.2120

Abstract: Technical amendments to indicate agency names and division changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA57

3618. PART 614 - LOAN POLICIES AND OPERATIONS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 614.4051; 12 CFR 614.4530; 12 CFR 614.4710; 12 CFR 614.4900

Abstract: Technical amendments to indicate title and division changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA58

3619. PART 615 - FUNDING AND FISCAL AFFAIRS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 615.5135; 12 CFR 615.5140; 12 CFR 615.5143; 12 CFR 615.5150; 12 CFR 615.5151; 12 CFR 615.5160; 12 CFR 615.5136; 12 CFR 615.5141; 12 CFR 615.5142; 12 CFR 615.5144

Abstract: Amendments to broaden, yet control, types of eligible investments.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA60

3620. PART 615 - FUNDING AND FISCAL AFFAIRS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 615.5495; 12 CFR 615.5496

Abstract: Technical amendments to reflect current organizational, division, and section changes and to correct reference to Fiscal Agency.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA61

3621. EQUAL HOUSING LENDER POSTER

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 613.3170

Abstract: Technical amendment to indicate agency, division, and address changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA62

3622. PART 617 - EXAMINATION, AUDITS AND INVESTIGATIONS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 617.7000; 12 CFR 617.7010; 12 CFR 617.7020; 12 CFR 617.7030; 12 CFR 617.7050; 12 CFR 617.7080; 12 CFR 617.7100; 12 CFR 617.7110; 12 CFR 617.7120

Abstract: Technical amendments to reflect organizational changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA64

3623. PUBLICATION OF REPORTS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 618.8200

Abstract: Technical amendment to change dates combined financial statements are published.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA65

3624. ● INCORPORATION OF SERVICE ORGANIZATIONS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 611.1150

Abstract: Amend present regulation to enable System banks to limit their liability in the event of a service organizations insolvency to the extent of their investment consistent with general corporate law

Timetable:

Action	Date	FR Cite
NPRM	08/21/85	50 FR 33765
NPRM Comment Period Begin	08/21/85	50 FR 33765
NPRM Comment Period End	09/19/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22101-5090, **703 883-4020**

RIN: 3052-AA66

3625. ● PART 606 - ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FARM CREDIT ADMINISTRATION

Legal Authority: 12 USC 2252(a)(16); PL 92-181; 29 USC 794

CFR Citation: 12 CFR 601.601-699

Abstract: Provide enforcement of section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap, as it applies to the programs or activities conducted by the Farm Credit Administration.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: For additional information contact: Gary L. Norton Office of General Counsel Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090 (703) 883-4020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA67

3626. ● GENERAL

Legal Authority: 12 USC 2243; 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 614.4330

Abstract: Amends minimum requirements for loan participation agreements among Farm Credit System institutions and change the requirements concerning the use of repurchase provisions in participation agreements

Timetable:

Action	Date	FR Cite
NPRM	08/14/85	50 FR 32736
NPRM Comment Period Begin	08/14/85	50 FR 32736
NPRM Comment Period End	09/12/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, Mclean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA69

3627. REAL AND PERSONAL PROPERTY

Legal Authority: 12 USC 2243; 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 615.5150(a); 12 CFR 615.5150(b)

Abstract: Amends FCA prior approval of the acquisition and disposition of real and personal property by Farm Credit System banks and of bank board policies on electronic data processing and word processing programs. Amendment will elimination these FCA prior approval requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/05/85	50 FR 31607
NPRM Comment Period Begin	08/05/85	50 FR 31607
NPRM Comment Period End	09/29/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Administration, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA70

FARM CREDIT ADMINISTRATION (FCA)

Completed Actions

COMPLETED RULEMAKINGS

3628. LIQUIDATION OF ASSOCIATIONS

CFR Citation: 12 CFR 611.1160; 12 CFR 611.1161; 12 CFR 611.1162; 12 CFR 611.1163; 12 CFR 611.1164; 12 CFR 611.1165; 12 CFR 611.1166; 12 CFR 611.1167; 12 CFR 611.1168; 12 CFR 611.1170; 12 CFR 611.1171; 12 CFR 611.1172; 12 CFR 611.1173; 12 CFR 611.1174; 12 CFR 611.1175; ...

Completed:

Reason	Date	FR Cite
Final Action	09/19/85	50 FR 37985

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA10

3629. PART 611-SUBPART G--AMENDMENTS TO ASSOCIATION CHARTERS AND MERGERS AND CONSOLIDATIONS

CFR Citation: 12 CFR 611.1120; 12 CFR 611.1121; 12 CFR 611.1123; 12 CFR 611.1124

Completed:

Reason	Date	FR Cite
Final Action	05/16/85	50 FR 20396
Final Action Effective	06/24/85	50 FR 27930

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA43

3630. BANKS FOR COOPERATIVES' EARNINGS

CFR Citation: 12 CFR 615.5370

Completed:

Reason	Date	FR Cite
Final Action	09/10/85	50 FR 36868

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA59

3631. FREQUENCY OF EXAMINATIONS AND AUDITS

CFR Citation: 12 CFR 617.7060

Completed:

Reason	Date	FR Cite
Final Action	05/14/85	50 FR 20091
Final Action Effective	06/22/85	50 FR 20091

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA63

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

3632. ● INTER-SYSTEM TRANSFER OF FUNDS AND EQUITIES

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 611.1145

Abstract: Define circumstances and criteria under which banks and associations must share losses

Timetable:

Action	Date	FR Cite
Final Action Effective	09/10/85	
Final Action with comments	09/11/85	50 FR 36985
Comments until	11/08/85	

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4020

RIN: 3052-AA68

[FR Doc. 85-20993 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XLVIII

Federal Communications Commission

Semiannual Regulatory Agenda

FCC

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: The Commission publishes the Unified Agenda of Federal Regulations to provide the public with adequate notice of all major and other significant proceedings under development or review. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. This is in accordance with Executive Order 12291 and OMB Bulletin No. 85-21. In addition, the agenda, in compliance with the Regulatory Flexibility Act (94 Stat. 1167; 5 USC 605) includes notations on the applicability of the Regulatory Flexibility Act to each item. The Unified Agenda will be published in the **Federal Register** in April and October of each year.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudette Pride, Management Planning and Program Evaluation Office, (202) 632-3906.

SUPPLEMENTARY INFORMATION:

Unified Agenda of all major and other significant proceedings

The Commission encourages public participation in the FCC rule making process. To help keep the public informed of significant rule making proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB will publish the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rule Making or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g. Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "Docket 79-164." When a docket number consists of only five digits (e.g. Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rule Making (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rule making, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rule Making (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rule making, but before the Commission has taken action on the petition.

Report & Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

William J. Tricarico,

Secretary, Federal Communications Commission.

COMMON CARRIER BUREAU—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3633	Carrier Interconnection: Equal Access Requirements for Independents	3060-AC15
3634	USOA: USOA Rewrite	3060-AC16
3635	USOA: Proposal to Amend USOA (Part 31) to Conform with Generally Accepted Accounting Principles	3060-AC37
3636	Access Charges	3060-AC82
3637	Intnl Planning: North Atlantic Communications Facilities Planning for 1985 - 1995 Period	3060-AC84
3638	Intnl General: Designation of Private Operating Agencies	3060-AD15
3639	Land Mobile Satellite: NASA Pet for Recon of Land Mobile Satellite	3060-AD16
3640	Computer II: AT&T Petition for Relief from Structural Separation Conditions	3060-AD17
3641	Computer II: NATA Petition for Declaratory Ruling, re: Centrex	3060-AD18
3642	Mobile Services: Jurisdictional Rulemaking for Preemption of States in Mobile Services Regulation	3060-AD19
3643	Intnl Planning: Pacific Region Facilities Planning for 1985 - 1995	3060-AD20
3644	Intnl Carriers: International Competitive Carrier	3060-AD21
3645	Tariff General: NPRM re: Billing and Collection	3060-AD23
3646	Access Charges: Transport	3060-AD24
3647	Domestic Satellite: GEOSTAR - Spectrum Allocation and Licensing for Operation	3060-AD26
3648	Intnl General: Planning for Communications Facilities in the Caribbean Region through 1995	3060-AD27
3649	CPE: Federally Tariffed CPE	3060-AD28
3650	Computer II: NATA Petition for Reconsideration of the Commission's Sales Agency Order	3060-AD36
3651	Jurisdictional Separations: Central Office Equipment and Interexchange Plant	3060-AD37
3652	Cellular Radio Licensing Procedures for Small Markets	3060-AD38
3653	Inside Wiring: Proposal to Detariff the Installation and Maintenance of Inside Wiring	3060-AD39

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COMMON CARRIER BUREAU—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
3654	USOA: Proposal to Amend USOA (Part 31) to Clarify the Accounting Treatment for Judgments and Other Costs Associated with Antitrust Lawsuits	3060-AD40
3655	Jurisdictional Separations: Lifeline	3060-AD42
3656	Individual Mobile Air-Ground Transmitter Deregulation	3060-AD43

COMMON CARRIER BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3657	Competitive Carrier Rulemaking: Recon. of 5th Report and Order	3060-AA92
3658	Embedded CPE: Detariffing CPE Used in Mobile Telephone Service	3060-AC29
3659	Computer II: IBM Request for Declaratory Ruling re: Southern Bell LADT	3060-AC32
3660	Computer II: ATTIS as a Reseller Providing Basic Services	3060-AC36
3661	Air-ground: Amend Table of Allocations to Add Austin	3060-AC42
3662	Computer II: AT&T Reorganization Inquiry Investigation	3060-AD22
3663	Tariff General: Switched Access Centrex Rates	3060-AD25

FIELD OPERATIONS BUREAU—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3664	Age and Experience Requirements for Radiotelegraph First Class Operator License (RM-2687/RM-3785)	3060-AA01

MASS MEDIA BUREAU—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3665	Character Inquiry	3060-AB09
3666	Comparative Renewal Policy	3060-AB10
3667	Repeal of Modification of the Personal Attack and Political Editorial Rules, Sec 73.1920 & Sec 73.1930 of the Commission's Rules	3060-AB44
3668	Comparative Preferences Within Metropolitan Areas	3060-AB61
3669	Technical Deregulation: Part 73 - AM	3060-AD03
3670	Technical Deregulation: Part 73 - FM	3060-AD04
3671	Technical Deregulation: Part 74 A & I	3060-AD05
3672	Technical Deregulation: Part 76	3060-AD06
3673	AM Antenna Proofs	3060-AD07
3674	FM vs. Aviation: Interference Problems	3060-AD08
3675	Technical Deregulation: Part 74, G & L	3060-AD09
3676	Technical Deregulation: Part 74, E & F	3060-AD10
3677	Technical Deregulation: Part 74, D & H	3060-AD11
3678	Single Majority Shareholder (Attribution)	3060-AD12
3679	Cable Bill Implementation: EEO	3060-AD13
3680	Transfers and Takeovers: Proxy Contests	3060-AD46
3681	AM/FM: Non-Duplication	3060-AD47
3682	Distress Sale Policy	3060-AD48
3683	UHF Impact Policy/Carroll Doctrine	3060-AD49
3684	DBS: Receiver Standards	3060-AD50
3685	KTLA/Tribune: transfer of control	3060-AD51
3686	Gulf/CBS: Radio: Assignment of License	3060-AD52

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MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3687	ITFS: Policies, Procedures and Regulations	3060-AA37
3688	Fairness Doctrine: Broadcast	3060-AB57
3689	Canadian/Mexican Clear Channels	3060-AB59
3690	FM Allotments: Procedures for 80-90	3060-AC17
3691	UHF Impact Policy	3060-AC62
3692	First come, first served	3060-AC78
3693	Cable Bill: Implementation Effective Competition	3060-AD01
3694	International Implementation: AM Region 2	3060-AD02
3695	Carroll doctrine	3060-AD14
3696	Network Affiliation Contracts	3060-AD45

OFFICE OF GENERAL COUNSEL—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3697	Amending Environmental Rules in Response to New Rules Issued by the Council on Environmental Quality (C.E.Q.)	3060-AB30
3698	Amendment of Part 1 of the Commission's Rules to Implement Section 504 of the Rehabilitation Act of 1973, As Amended, 29 U.S.C. Section 794	3060-AC86

OFFICE OF GENERAL COUNSEL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3699	Third Report and Order in Gen. Docket No. 81-768--Amendment of the Commission's Rules to Allow the Selection from Among Certain Competing Applications Using Random Selection or Lotteries Etc	3060-AC60

PRIVATE RADIO BUREAU—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3700	Interconnection in the Private Land Mobile Radio Services in the Frequency Bands Below 800 MHz	3060-AB74
3701	Private microwave carrier systems	3060-AB77
3702	Frequency Coordination in the Private Land Mobile Radio Services	3060-AB78
3703	Future Public Safety Telecommunications Requirements	3060-AB89
3704	Combine Parts 81 and 83 into Single Part 80 for Maritime Services and Alaska Fixed Stations	3060-AC73
3705	900 MHz Allocation to the Private Land Mobile Radio Services	3060-AD29
3706	Use of Coordinated Repeaters in the ARS	3060-AD31
3707	Implement Final Acts of WARC 1979 in the ARS	3060-AD32
3708	Petition by ARRL for a Declaratory Statement on Federal Preemption of Local Zoning Requirements as They Apply to antennas in the ARS	3060-AD33
3709	Telephone Maintenance Radio Service (TMRS)	3060-AD44

PRIVATE RADIO BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3710	Digital Selective Calling in Marine services and Direct Dial in VHF Services	3060-AA24
3711	Introduction of Narrowband Technologies into the Private Land Mobile Radio Services	3060-AB86
3712	Early Allocation of 18 & 24 MHz, 24 & 900 MHz, and 10 MHz Codification	3060-AB92

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PRIVATE RADIO BUREAU—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3713	Amendments to the Safety of Life at Sea	3060-AC70
3714	Eliminate the Requirement for Manufacturers to Perform Reliability Tests on Shipboard Radar	3060-AC72
3715	800 MHz Waiting List	3060-AD30
3716	Implement High Frequency Allocations Made by WARC 1979	3060-AD34

OFFICE OF SCIENCE AND TECHNOLOGY—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3717	L.A. Sheriff's Petition	3060-AA57
3718	Amendment of Part 15 to Permit Operation of Field Disturbance Sensors in the Band 40.66 to 40.70 MHz	3060-AC64
3719	Amendment of Part 15 to Provide an Additional Exemption for Large computer system	3060-AC68
3720	Allocation of Additional Spectrum for Private Land Mobile Radio (LMCC Petition)	3060-AC91
3721	Utilization Policy - Fixed and Mobile Services 1-40 GHz (Reconsideration)	3060-AC92
3722	Additional Sharing of UHF TV Channels by Private LM Services	3060-AC93
3723	Technical Standards, Medical Ultrasonic Equipment - Part 18	3060-AC95
3724	DORCMA - Remote Control Security Devices	3060-AC96
3725	SEIA - Remote Control/Security Devices	3060-AC97
3726	KNOGO - Field Disturbance Sensors	3060-AC98
3727	Technical Flexibility in the Mobile Communication Services	3060-AD00
3728	Land Mobile Use of 421-430 MHz	3060-AD35
3729	18168 kHz Mobile Allocations	3060-AD41

OFFICE OF SCIENCE AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3730	HF Broadcasting WARC	3060-AA78
3731	Space Services WARC (1985)	3060-AA79
3732	GEOSTAR Corp. Petition for Radiodetermination Satellite	3060-AB79
3733	Study of Marine HF Bands	3060-AB88
3734	Update Administrative Rules in Part 18	3060-AC89
3735	Primary Allocation for Radio Astronomy at 1610 MHz (NSF Petition)	3060-AC94
3736	GTE Reconsideration Cordless Phones	3060-AC99

FEDERAL COMMUNICATIONS COMMISSION (FCC)—COMMON CARRIER BUREAU

Current and Projected Rulemakings

3633. CARRIER INTERCONNECTION: EQUAL ACCESS REQUIREMENTS FOR INDEPENDENTS

Significance: Agency Priority

Legal Authority: 47 USC 201 to 205; 47 USC 211; 47 USC 218

CFR Citation: 47 CFR 00

Abstract: Proceeding considering action related to the MFJ and the GTE Consent Decree and to access charges, to promote competition by: 1) imposing certain equal access requirements on carriers not bound by the MFJ and the GTE Consent Decree; 2) ensuring that competitive interconnection is available in access tariffs, and 3) promoting limited joint planning among carriers.

Timetable:

Action	Date	FR Cite
MO&O	02/01/85	50 FR 4792
R&O	04/19/85	50 FR 15547
MO&O	00/00/00	

Small Entity: No

Additional Information: DOCKET NUMBER cc78-72 p3

Agency Contact: R. Dujack, Federal Communications Commission, 1919 M St., N.W., Rm. 544, Washington, D.C. 20554, 202 632-9342

RIN: 3060-AC15

3634. USOA: USOA REWRITE

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 219; 47 USC 220

CFR Citation: 47 CFR 31; 47 CFR 33; 47 CFR 42

Abstract: FCC is proposing to revise USOA on a financial accounting basis to provide more detailed & relevant data for separations & costing purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/78	
NPRM	08/00/79	
NPRM	10/00/81	
NPRM	12/19/84	
R&O	03/00/86	

Small Entity: No

Additional Information: DOCKET NUMBER cc 78-196

Agency Contact: C. Rand, Federal Communications Commission, 2000 L St., N.W., Rm. 812, Washington, D.C. 20554, **202 634-1861**

RIN: 3060-AC16

3635. USOA: PROPOSAL TO AMEND USOA (PART 31) TO CONFORM WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: FCC is considering the proposal to amend its prescribed accounting system to adopt generally accepted accounting principles where possible.

Timetable:

Action	Date	FR Cite
NPRM	05/10/84	
R&O	12/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc84-469

Agency Contact: C. Rand, Federal Communications Commission, 2000 L St., N.W., Rm. 812, Washington, D.C. 20554, **202 634-1861**

RIN: 3060-AC37

3636. ACCESS CHARGES

Significance: Agency Priority

Legal Authority: 47 USC 201 to 205

CFR Citation: 47 CFR 69

Abstract: On May 31, 1985, several petitions seeking reconsideration of the Commission's third reconsideration order in this docket were filed. The principal issue raised concerns the Commission's prescription of usage-based, in place of flat rate, charges for non-previous access.

Timetable:

Action	Date	FR Cite
2nd MO&O	03/02/84	49 FR 7810
3rd MO&O	04/30/85	50 FR 18249
4th MO&O	00/00/00	

Small Entity: No

Additional Information: DOCKET NUMBER cc78-72 pI

Agency Contact: T. Sugrue, Federal Communications Commission, 1919 M St., N.W., Rm. 544, Washington, D.C. 20554, **202 632-9342**

RIN: 3060-AC82

3637. INTNL PLANNING: NORTH ATLANTIC COMMUNICATIONS FACILITIES PLANNING FOR 1985 - 1995 PERIOD

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is reviewing communications facility placement in the North Atlantic region in order to determine the most efficient satellite/cable mix for the region.

Timetable:

Action	Date	FR Cite
NPRM	03/30/85	
R&O	08/07/85	
NOI	03/00/86	

Small Entity: No

Additional Information: DOCKET NUMBER cc79-184

Agency Contact: R. Gosse, Federal Communications Commission, 1919 M St., N.W., Rm. 534, Washington, D.C. 20554, **202 632-4047**

RIN: 3060-AC84

3638. INTNL GENERAL: DESIGNATION OF PRIVATE OPERATING AGENCIES

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: Policies governing designation of recognized private operating agencies. Grants of IRUs in International Facilities and assignment of data network identification codes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	
R&O	01/00/86	

Small Entity: No

Additional Information: DOCKET NUMBER cc83-1230

Agency Contact: J. Copes, Federal Communications Commission, 1919 M St., N.W., Rm. 534, Washington, D.C. 20554, **202 632-4047**

RIN: 3060-AD15

3639. LAND MOBILE SATELLITE: NASA PET FOR RECON OF LAND MOBILE SATELLITE

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: FCC is proposing to establish a Mobile Satellite Service and to authorize licensees to operate this service.

Timetable:

Action	Date	FR Cite
NPRM	01/28/85	
R&O	12/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc84-1234

Agency Contact: F. Fitzgerald, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, **202 634-1952**

RIN: 3060-AD16

3640. COMPUTER II: AT&T PETITION FOR RELIEF FROM STRUCTURAL SEPARATION CONDITIONS

Significance: Agency Priority

Legal Authority: 47 USC 154(i) to 154(j); 47 USC 201 to 205; 47 USC 218; 47 USC 220; 47 USC 403; 47 USC 404

CFR Citation: 47 CFR 64.702

Abstract: The FCC is proposing to relieve AT&T from structural separations conditions re: CPE.

Timetable:

Action	Date	FR Cite
NPRM	03/06/85	
R&O	09/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc85-26

Agency Contact: G. Jarvis, Federal Communications Commission, 1919 M St., N.W., Rm 544, Washington, D.C. 20554, 202 632-9342

RIN: 3060-AD17

3641. COMPUTER II: NATA PETITION FOR DECLARATORY RULING, RE: CENTREX

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 64

Abstract: NATA is seeking reconsideration of a declaratory ruling declaring that many services offered by Centrex are basic services. Supplemental petitions have been filed.

Timetable:

Action	Date	FR Cite
MO&O	11/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER enf 84-2

Agency Contact: J. Jackson, Federal Communications Commission, 2000 L St., N.W., Rm. 812, Washington, D.C. 20554, 202 632-7500

RIN: 3060-AD18

3642. MOBILE SERVICES: JURISDICTIONAL RULEMAKING FOR PREEMPTION OF STATES IN MOBILE SERVICES REGULATION

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is considering a petition for rulemaking proposing that it preempt state regulation that seeks to prohibit or impede entry of common carriers providing paging or conventional two-way mobile services into the public land mobile service.

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	50 FR 21904
R&O	12/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER pet 4811

Agency Contact: L. Krevor, Federal Communications Commission, 1919 M St., N.W., Rm. 644, Washington, D.C. 20554, 202 632-6450

RIN: 3060-AD19

3643. INTNL PLANNING: PACIFIC REGION FACILITIES PLANNING FOR 1985 - 1995

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is reviewing communications facility placement in the Pacific region in order to determine the most efficient satellite/cable mix for the region.

Timetable:

Action	Date	FR Cite
NOI	11/08/84	
NPRM	01/00/85	
R&O	08/07/85	
FNPRM	00/00/00	

Small Entity: No

Additional Information: DOCKET NUMBER proj 83-126

Agency Contact: S. Goldman, Federal Communications Commission, 1919 M St., N.W., Rm. 534, Washington, D.C. 20554, 202 632-4047

RIN: 3060-AD20

3644. INTNL CARRIERS: INTERNATIONAL COMPETITIVE CARRIER

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is considering the applicability of competitive carrier cases to the international sector.

Timetable:

Action	Date	FR Cite
NPRM	03/30/85	
NOI	03/30/85	
R&O	12/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-117

Agency Contact: S. Goldman, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, 202 632-4047

RIN: 3060-AD21

3645. TARIFF GENERAL: NPRM RE: BILLING AND COLLECTION

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The Commission will solicit comments on a proposal to detariff billing and collection services.

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	50 FR 15191
R&O	00/00/00	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-217

Agency Contact: B. Lambergman, Federal Communications Commission, 1919 M St., N.W., Rm. 518, Washington, D.C. 20554, 202 632-6917

RIN: 3060-AD23

3646. ACCESS CHARGES: TRANSPORT

Significance: Agency Priority

Legal Authority: 47 USC 201 to 205

CFR Citation: 47 CFR 69

Abstract: This proceeding involves end user charges for party line service, the extension of a waiver of the transport rules, the private lines surcharge, and certain rules offering average schedule companies.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50413
MO&O	03/11/85	50 FR 9633
MO&O	01/01/87	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-288

Agency Contact: K. Nilsson, Federal Communications Commission, 1919 M St., N.W., Rm. 544, Washington, D.C. 20554, **202 632-9342**

RIN: 3060-AD24

3647. DOMESTIC SATELLITE: GEOSTAR - SPECTRUM ALLOCATION AND LICENSING FOR OPERATION

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: This is a frequency allocation proceeding/application processing proceeding for the Radio Determination Satellite Service. It is associated with the Land Mobile Satellite proceeding.

Timetable:

Action	Date	FR Cite
R&O	10/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-433

Agency Contact: F. Fitzgerald, Federal Communications Commission, 1200 19th St., N.W., Rm. 307B, Washington, D.C. 20554, **202 634-1952**

RIN: 3060-AD26

3648. INTNL GENERAL: PLANNING FOR COMMUNICATIONS FACILITIES IN THE CARIBBEAN REGION THROUGH 1995

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is reviewing the communications facility placement in the Caribbean region in order to determine the most efficient satellite/cable mix for the region.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc83-525

Agency Contact: D. Spiro and J. Spindler, Federal Communications Commission, 1919 M St., N.W., Rm. 534, Washington, D.C. 20554, **202 632-4047**

RIN: 3060-AD27

3649. CPE: FEDERALLY TARIFFED CPE

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The NPRM will provide procedures for detariffing embedded customer premises equipment owned by Independent telephone companies and tariffed at the federal level. It will also detariff Mobile CPE tariffed at the federal level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/84	49 FR 26109
NPRM	07/12/85	50 FR 29440
R&O	12/31/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc81-893i

Agency Contact: R. Crellin, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, **202 632-9342**

RIN: 3060-AD28

3650. ● COMPUTER II: NATA PETITION FOR RECONSIDERATION OF THE COMMISSION'S SALES AGENCY ORDER

Significance: Agency Priority

Legal Authority: 47 USC 405

CFR Citation: 47 CFR 64

Abstract: Four Bell Operating Companies (BOC) filed sales agency plans for approval. Supplemental waiver petitions have been filed. NATA is seeking a reconsideration of the Commission's Sales Agency order authorizing the BOCs to appoint agents to sell Centrex and basic network services together with terminal equipment.

Timetable:

Action	Date	FR Cite
MO&O	12/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER enf 84-18

Agency Contact: A. Lim, Federal Communications Commission, 2000 L St., N.W., Rm. 812, Washington, D.C. 20554, **202 632-7500**

RIN: 3060-AD36

3651. ● JURISDICTIONAL SEPARATIONS: CENTRAL OFFICE EQUIPMENT AND INTEREXCHANGE PLANT

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 67

Abstract: Proceeding to examine the need for changes in the jurisdictional separations procedures for central office equipment and interexchange plant.

Timetable:

Action	Date	FR Cite
NPRM	04/30/84	49 FR 18318
OIC (Joint Board)	08/06/85	50 FR 31747
OIC planned (Joint Board)	11/00/85	

Small Entity: Undetermined

Agency Contact: C. Pabo, Federal Communications Commission, 1919 M St., N.W., Rm. 544, Washington, D.C. 20554, **202 632-6363**

RIN: 3060-AD37

3652. ● CELLULAR RADIO LICENSING PROCEDURES FOR SMALL MARKETS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 301; 47 USC 303; 47 USC 307; 47 USC 308; 47 USC 309

CFR Citation: 47 CFR 22.900

Abstract: Modification of licensing procedures for cellular mobile radio systems in smaller markets to make cellular radio service available more rapidly.

Timetable:

Action	Date	FR Cite
R&O	12/00/85	

Small Entity: Undetermined

Agency Contact: Steven A. Weiss, Attorney, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-6450**

RIN: 3060-AD38

3653. ● INSIDE WIRING: PROPOSAL TO DETARIFF THE INSTALLATION AND MAINTENANCE OF INSIDE WIRING

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 220

CFR Citation: 47 CFR 00

Abstract: FCC is proposing to detariff the installation of simple inside wiring, to detariff the maintenance of both simple and complex inside wiring and to transfer the ownership of inside wiring to the premises owner after the carriers have recovered their original investment.

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	
R&O planned	03/00/86	

Small Entity: No

Additional Information: DOCKET NUMBER cc79-105

Agency Contact: C. Rand, Federal Communications Commission, 2000 L St., N.W., Rm. 812, Washington, D.C. 20554, 202 634-1861

RIN: 3060-AD39

3654. ◎ USOA: PROPOSAL TO AMEND USOA (PART 31) TO CLARIFY THE ACCOUNTING TREATMENT FOR JUDGMENTS AND OTHER COSTS ASSOCIATED WITH ANTITRUST LAWSUITS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 220

CFR Citation: 47 CFR 31

Abstract: FCC is proposing to revise USOA to require that adverse judgments arising from antitrust suits and payments arising from antitrust settlements be recorded in an account which will preclude these costs from being automatically passed on to the ratepayers.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	
R&O planned	03/00/86	

Small Entity: No

Additional Information: DOCKET NUMBER cc85-64

Agency Contact: C. Rand, Federal Communications Commission, 2000 L St., N.W., Rm. 812, Washington, D.C. 20554, 202 634-1861

RIN: 3060-AD40

3655. ◎ JURISDICTIONAL SEPARATIONS: LIFELINE

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 69

Abstract: Proceeding considering issues related to implementation of measures to assist low income households in affording telephone service.

Timetable:

Action	Date	FR Cite
OIC	04/15/85	50 FR 14727
FOIC (Joint Board)	08/06/85	50 FR 31738
RD&O planned (Joint Board)	10/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc80-286

Agency Contact: M. Bester, Federal Communications Commission, 1919 M St., N.W., Rm. 544, Washington, D.C. 20554, 202 632-9342

RIN: 3060-AD42

3656. ◎ INDIVIDUAL MOBILE AIR-GROUND TRANSMITTER DEREGULATION

Legal Authority: 47 USC 301; 47 USC 303; 47 USC 307; 47 USC 308; 47 USC 309

CFR Citation: 47 CFR 22.9; 47 CFR 22.15

Abstract: Commission will consider alternatives to the individual licensing of airborne mobile transmitters used in communication with common carrier air-ground base stations.

Timetable:

Action	Date	FR Cite
NPRM	01/15/86	
NPRM Comment Period Begin	02/15/86	
NPRM Comment Period End	03/15/86	
Final Action	10/15/86	
Final Action Effective	01/01/87	

Small Entity: No

Agency Contact: Michael Deuel Sullivan, Chief, Mobile Services Division, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, 202 632-6400

RIN: 3060-AD43

FEDERAL COMMUNICATIONS COMMISSION (FCC)—COMMON CARRIER BUREAU

Completed Actions

COMPLETED RULEMAKINGS

3657. COMPETITIVE CARRIER RULEMAKING: RECON. OF 5TH REPORT AND ORDER

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
Withdrawn	07/09/85	

Small Entity: No

Agency Contact: J. Stroughter 202 632-6917

RIN: 3060-AA92

3658. EMBEDDED CPE: DETARIFFING CPE USED IN MOBILE TELEPHONE SERVICE

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
MO&O	05/16/85	

Small Entity: No

Agency Contact: R. Crellin 202 632-9342

RIN: 3060-AC29

3659. COMPUTER II: IBM REQUEST FOR DECLARATORY RULING RE: SOUTHERN BELL LADT

Significance: Agency Priority

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
M&O	05/31/85	

Small Entity: No

Agency Contact: L. Smith 202 634-1732

RIN: 3060-AC32

FCC—CCB

Completed Actions

3660. COMPUTER II: ATTIS AS A RESELLER PROVIDING BASIC SERVICES

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
Recon. order	07/18/85	

Small Entity: No

Agency Contact: D. Slotten 202 632-9342

RIN: 3060–AC36

3661. AIR-GROUND: AMEND TABLE OF ALLOCATIONS TO ADD AUSTIN

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
R&O	03/27/85	

Small Entity: No

Agency Contact: S. Magnotti 202 632-6450

RIN: 3060–AC42

3662. COMPUTER II: AT&T REORGANIZATION INQUIRY INVESTIGATION

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
MO&O	05/31/85	

Small Entity: No

Agency Contact: P. Nagle 202 632-4887

RIN: 3060–AD22

3663. TARIFF GENERAL: SWITCHED ACCESS CENTREX RATES

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
Withdrawn Mooted by circumstance; incorporated in Docket Number 78-72 pl	03/31/85	

Small Entity: No

Agency Contact: F. Patella 202 632-6917

RIN: 3060–AD25

[FR Doc. 85-22046 Filed 10-28-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—FIELD OPERATIONS BUREAU

Current and Projected Rulemakings

3664. AGE AND EXPERIENCE REQUIREMENTS FOR RADIOTELEGRAPH FIRST CLASS OPERATOR LICENSE (RM-2687/RM-3785)

Legal Authority: 47 USC 303(r) Communications Act of 1934, as amended; 47 USC 154(i) Communications Act of 1934, as amended

CFR Citation: 47 CFR 13.12

Abstract: Requests elimination of age and experience requirements for Radiotelegraph First Class Operator License as being in the public interest. Adoption would result in increased administrative costs to agency in processing greater number of licenses.

Timetable:

Action	Date	FR Cite
Petition Pending	12/00/85	

Small Entity: No

Additional Information: RM-2687/RM-3785.

Agency Contact: L. R. Clance, Attorney Advisor, Federal Communications Commission, 1919 M Street, N.W., Room 734, Washington, D.C. 20554, 202 632-7591

RIN: 3060–AA01

[FR Doc. 85-22046 Filed 10-28-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—MASS MEDIA BUREAU

Current and Projected Rulemakings

3665. CHARACTER INQUIRY

Legal Authority: 47 USC 154(i); 47 USC 308(b); 47 USC 309

CFR Citation: 47 CFR 00

Abstract: Formulation of a comprehensive policy statement establishing a detailed and systematic treatment of the character qualifications of broadcast licensees to enhance the fairness and efficiency of the licensing process.

Timetable:

Action	Date	FR Cite
MO&O	12/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER: gen-81-500

Agency Contact: David Donovan, Federal Communications Commission, 2025 M St., N.W., Rm. 8002, Washington, D.C. 20554, 202 632-7792

RIN: 3060–AB09

3666. COMPARATIVE RENEWAL POLICY

Legal Authority: 47 USC 154(i); 47 USC 308(b); 47 USC 403

CFR Citation: 47 CFR 00

Abstract: This proceeding contemplates issuance of a Policy Statement setting forth standards for use in comparative hearings between incumbent commercial radio and TV licensees seeking renewal of their licenses and competing applicants.

Timetable:

Action	Date	FR Cite
Policy Statement	12/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER: bc-81-742

Agency Contact: Robert Ratcliffe, Federal Communications Commission, 2025 M St., N.W., Rm. 8002, Washington, D.C. 20554, **202 632-7792**

RIN: 3060-AB10

3667. REPEAL OF MODIFICATION OF THE PERSONAL ATTACK AND POLITICAL EDITORIAL RULES, SEC 73.1920 & SEC 73.1930 OF THE COMMISSION'S RULES

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 73.1920; 47 CFR 73.1930

Abstract: A proceeding designed to re-examine the personal attack and political editorial rules. These rules give specific individuals or groups the right to use a broadcaster's facilities to respond to matters broadcast.

Timetable:

Action	Date	FR Cite
NPRM	06/22/83	48 FR 28295
NPRM Comment Period Begin	06/22/83	
NPRM Comment Period End	09/16/83	
MO&O	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John Kamp, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, **202 632-6460**

RIN: 3060-AB44

3668. COMPARATIVE PREFERENCES WITHIN METROPOLITAN AREAS

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 00

Abstract: Proposal to eliminate comparative preference obtained in specifying a suburban community as city of license. (Sec. 307(b)).

Timetable:

Action	Date	FR Cite
NPRM	04/15/83	
R&O	09/30/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-83-403

ASSOCIATED ITEMS: mmb-018-NPRM

Agency Contact: Joel Rosenberg, Federal Communications Commission, 2025 M St., N.W., Rm. 8316, Washington, D.C. 20554, **202 634-6530**

RIN: 3060-AB61

3669. TECHNICAL DEREGULATION: PART 73 - AM

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 73

Abstract: This item examines all of the technical AM broadcast rules for deregulation.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	
R&O	12/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER: mm-85-125

ASSOCIATED ITEMS: mmb-115 NPRM

Agency Contact: Michael Lewis, Federal Communications Commission, 2025 M St., N.W., Rm. 8120, Washington, D.C. 20554, **202 632-9660**

RIN: 3060-AD03

3670. TECHNICAL DEREGULATION: PART 73 - FM

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.317; 47 CFR 73.319; 47 CFR 73.322; 47 CFR 73.558; 47 CFR 73.597

Abstract: This item reviews the technical and operational requirements of Subparts B and C, Part 73, for FM stations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mmb-116

Agency Contact: Michael Lewis, Federal Communications Commission, 2025 M St., N.W., Rm. 8120, Washington, D.C. 20554, **202 632-9660**

RIN: 3060-AD04

3671. TECHNICAL DEREGULATION: PART 74 A & I

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 74

Abstract: This R&O proposes technical deregulation changes to Experimental TV Broadcast stations, Experimental Facsimile Broadcast stations, Developmental Broadcast stations and Instructional TV Fixed stations.

Timetable:

Action	Date	FR Cite
NPRM	07/09/85	
R&O	03/00/86	

Small Entity: No

Additional Information: DOCKET NUMBER: mm-85-225

ASSOCIATED ITEMS: mmb-117 NPRM

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M St., N.W., Rm. 8104, Washington, D.C. 20554, **202 632-9660**

RIN: 3060-AD05

3672. TECHNICAL DEREGULATION: PART 76

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 76.605

Abstract: This item examines all of the technical CATV rules for deregulation. Preemption of local technical regulations will be considered.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	
R&O	09/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER: mm-85-38

ASSOCIATED ITEMS: mmb-118 NPRM

Agency Contact: Bernard Gorden, Federal Communications Commission, 2025 M St., N.W., Rm. 8114, Washington, D.C. 20554, **202 632-9660**

RIN: 3060-AD06

3673. AM ANTENNA PROOFS

Legal Authority: 47 USC 4(i); 47 USC 303(e); 47 USC 303(r)

CFR Citation: 47 CFR 73.61; 47 CFR 73.68; 47 CFR 73.154

Abstract: This item examines the current AM directional antenna proof of performance and monitor sampling system rules. The Commission will consider revision of the rules to account for new technology.

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	
R&O	09/00/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-90

ASSOCIATED ITEMS: mmb-122 NPRM

Agency Contact: John Reiser, Federal Communications Commission, 2025 M St., N.W., Rm. 8315, Washington, D.C. 20554, **202 632-9660**

RIN: 3060–AD07

3674. FM VS. AVIATION: INTERFERENCE PROBLEMS

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 73

Abstract: This item addresses a continuing problem of interference to aviation receivers because of high powered FM stations. The Commission will consider ending this issue with an R&O adopting compatibility standards.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	
R&O	03/00/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-108

ASSOCIATED ITEMS: mmb-124 NPRM

Agency Contact: Katy Hosford, Federal Communications Commission, 2025 M St., N.W., Rm. 8112, Washington, D.C. 20554, **202 632-9660**

RIN: 3060–AD08

3675. TECHNICAL DEREGULATION: PART 74, G & L

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 74

Abstract: This NPRM proposes technical deregulation changes to Low Power TV and TV Translator stations and to FM Broadcast Translator stations and FM Broadcast Booster stations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER: mmb-150

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M St., N.W., Rm. 8104, Washington, D.C. 20554, **202 632-9660**

RIN: 3060–AD09

3676. TECHNICAL DEREGULATION: PART 74, E & F

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 74

Abstract: The Commission will consider whether to remove and change some technical rules in the aural broadcast, STL and Intercity Relay stations, and the TV auxiliary broadcast stations subparts.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	
R&O	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER: mm-85-36

ASSOCIATED ITEMS: mmb-151 NPRM

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M St., N.W., Rm. 8104, Washington, D.C. 20554, **202 632-9660**

RIN: 3060–AD10

3677. TECHNICAL DEREGULATION: PART 74, D & H

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 74

Abstract: This R&O proposes to remove and change some of the technical rules in the Remote Pickup and Low Power Auxiliary TV services.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	
R&O	03/00/86	

Small Entity: No

Additional Information: DOCKET NUMBER: mm-85-126

ASSOCIATED ITEMS: mmb-152 NPRM

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M St., N.W., Rm. 8104, Washington, D.C. 20554, **202 632-9660**

RIN: 3060–AD11

3678. SINGLE MAJORITY SHAREHOLDER (ATTRIBUTION)

Legal Authority: 47 USC 151 et seq

CFR Citation: 47 CFR 73.3555

Abstract: A R&O to review the single majority stockholder provision of the Commission's attribution rules (12-12-12).

Timetable:

Action	Date	FR Cite
NPRM	06/07/85	
R&O	03/00/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-192

ASSOCIATED ITEMS: mmb-175 NPRM

Agency Contact: Laurel Bergold, Federal Communications Commission, 2025 M St., N.W., Rm. 8336, Washington, D.C. 20554, **202 632-7792**

RIN: 3060–AD12

3679. CABLE BILL IMPLEMENTATION: EEO

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303; 47 USC 634

CFR Citation: 47 CFR 76

Abstract: As a result of the adoption of a Cable Bill (P. L. 98-549), the Commission is required to issue rules within 270 days regarding Equal Employment Opportunity.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	
R&O	09/00/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-61

ASSOCIATED ITEMS: mmb-188 NPRM, mm-84-1296

Agency Contact: Marcia Glauberman, Federal Communications Commission, 2025 M St., N.W., Rm. 8308, Washington, D.C. 20554, **202 632-6302**

RIN: 3060–AD13

3680. ● TRANSFERS AND TAKEOVERS: PROXY CONTESTS

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: As a result of the Commission decision on the Storer petition adopted 4/22/85, a Notice of Inquiry will be initiated to determine the Commission's role in proxy contests and "hostile" take-overs.

Timetable:

Action	Date	FR Cite
NOI	07/09/85	
Extended NOI	00/00/00	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-218

Agency Contact: Steve Sewell, Federal Communications Commission, 1919 M St., N.W., Rm. 702, Washington, D.C. 20554, **202 632-6993**

RIN: 3060–AD46

3681. ● AM/FM: NON-DUPLICATION

Legal Authority: 47 USC 4(i); 47 USC 303; 47 USC 307(b)

CFR Citation: 47 CFR 73.242

Abstract: Request for rulemaking by AGK Communications to exclude midnight to 6:00 AM time period from maximum amount of program duplication permitted under the Commission's Rules.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER: RM-5076

Agency Contact: Michael Metzger, Federal Communications Commission, 2025 M St., N.W., Rm. 8308, Washington, D.C. 20554, **202 632-6302**

RIN: 3060–AD47

3682. ● DISTRESS SALE POLICY

Legal Authority: 47 USC 309; 47 USC 310

CFR Citation: 47 CFR 73.4140

Abstract: NPRM will explore distress sale policy to determine whether to expand by (1) making election permissible at any time prior to final order and (2) scaling price as percentage of fair market value depending upon when notice of intent to utilize distress sale is given. NABOB petition for rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mmb-207

Agency Contact: Belford Lawson, Federal Communications Commission, 2025 M St., N.W., Rm. 8328, Washington, D.C. 20554, **202 632-7792**

RIN: 3060–AD48

3683. ● UHF IMPACT POLICY/CARROLL DOCTRINE

Legal Authority: 47 USC 154(i); 47 USC 308(b)

CFR Citation: 47 CFR 00

Abstract: A study to re-examine the court's decision re Carroll Broadcasting Co. vs. FCC, which held that the Commission, upon a proper showing should determine whether the economic effect of a new station would result in a net loss of service to an extent inconsistent with the public interest. The Commission will also re-examine its UHF impact policy, which essentially protects UHF television stations from adverse economic competition.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER: mmb-211

Agency Contact: Bruce Franca, Federal Communications Commission, 2025 M St., N.W., Rm. 8308, Washington, D.C. 20554, **202 632-6302**

RIN: 3060–AD49

3684. ● DBS: RECEIVER STANDARDS

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 100

Abstract: This item considers adoption of standards for DBS receivers.

Timetable:

Action	Date	FR Cite
NPRM	02/06/85	
R&O	03/00/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-36

ASSOCIATED ITEMS: mmb-123 NPRM

Agency Contact: Bernard Gorden, Federal Communications Commission, 2025 M St., N.W., Rm. 8114, Washington, D.C. 20554, **202 632-9660**

RIN: 3060–AD50

3685. ● KTLA/TRIBUNE: TRANSFER OF CONTROL

Legal Authority: 47 USC 154; 47 USC 308; 47 USC 309; 47 USC 310; 47 USC 613

CFR Citation: 47 CFR 73.3540; 47 CFR 73.3555; 47 CFR 73.3584; 47 CFR 76.501

Abstract: Tribune Broadcasting Company seeks Commission consent to acquire control of KTLA-TV (VHF), Los Angeles, CA. An 18-month period in which to divest co-located newspaper and CATV interests is also requested. Several parties have petitioned to deny the transfer and related divestiture request on various statutory, programming, and other grounds.

Timetable:

Action	Date	FR Cite
MO&O	09/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER: mmb-278

Agency Contact: Alan Glasser, Federal Communications Commission, 1919 M St., N.W., Rm. 700, Washington, D.C. 20554, **202 632-6357**

RIN: 3060–AD51

3686. ● GULF/CBS: RADIO: ASSIGNMENT OF LICENSE

Legal Authority: 47 USC 308; 47 USC 310

CFR Citation: 47 CFR 73.3540

Abstract: CBS Inc. seeks Commission approval of its acquisition of: WSUN, St. Petersburg and WYNF-FM, Tampa, FL, from Taft Television and Radio Company, Inc.; and WLTT, Bethesda, MD, KTXQ-FM, Fort Worth, and KLTR-FM, Houston, TX, from Gulf Broadcast Group, Inc.

Timetable:

Action	Date	FR Cite
MO&O	09/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER: mmb-281

Agency Contact: Alan Glasser, Federal Communications Commission, 1919 M St., N.W., Rm. 700, Washington, D.C. 20554, 202 632-6357

RIN: 3060-AD52

FEDERAL COMMUNICATIONS COMMISSION (FCC)—MASS MEDIA BUREAU

Completed Actions

COMPLETED RULEMAKINGS

3687. ITFS: POLICIES, PROCEDURES AND REGULATIONS

CFR Citation: 47 CFR 74.903; 47 CFR 74.931; 47 CFR 74.932

Completed:

Reason	Date	FR Cite
R&O	05/31/85	

Small Entity: Yes

Agency Contact: Stuart Bedell 202 632-9356

RIN: 3060-AA37

3688. FAIRNESS DOCTRINE: BROADCAST

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
Report	08/07/85	

Small Entity: Yes

Agency Contact: Laurel Bergold 202 632-7792

RIN: 3060-AB57

3689. CANADIAN/MEXICAN CLEAR CHANNELS

Significance: Agency Priority

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
R&O	04/26/85	

Small Entity: Yes

Agency Contact: Joel Rosenberg 202 634-6530

RIN: 3060-AB59

3690. FM ALLOTMENTS: PROCEDURES FOR 80-90

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
R&O	03/14/85	

Small Entity: No

Agency Contact: Mark Lipp 202 634-6530

RIN: 3060-AC17

3691. UHF IMPACT POLICY

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
Merged into new RIN 3060-AD49	08/27/85	

Small Entity: Yes

Agency Contact: Bruce Franca 202 632-6302

RIN: 3060-AC62

3692. FIRST COME, FIRST SERVED

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
R&O	03/14/85	

Small Entity: No

Agency Contact: Lane Moten 202 632-7792

RIN: 3060-AC78

3693. CABLE BILL: IMPLEMENTATION EFFECTIVE COMPETITION

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
R&O	04/11/85	

Small Entity: Yes

Agency Contact: Bruce Franca 202 632-6302

RIN: 3060-AD01

3694. INTERNATIONAL IMPLEMENTATION: AM REGION 2

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
R&O	03/28/85	

Small Entity: Yes

Agency Contact: Larry Olson 202 632-9660

RIN: 3060-AD02

3695. CARROLL DOCTRINE

Significance: Agency Priority

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
Merged into new RIN 3060-AD49	08/27/85	

Small Entity: No

Agency Contact: Bruce Franca 202 632-6302

RIN: 3060-AD14

FCC—MMB

Completed Actions

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

3696. ● NETWORK AFFILIATION CONTRACTS

Legal Authority: 47 USC 73

CFR Citation: 47 CFR 73

Abstract: The Commission will consider whether to delete the requirement to file network affiliation contracts.

Timetable:

Action	Date	FR Cite
R&O adopted	07/12/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-5

Associated Items: mmb-044 NPRM

Agency Contact: Scott Roberts, Federal Communications Commission, 2025 M St., N.W., Rm. 8308, Washington, D.C. 20554, **202 632-6302**

RIN: 3060–AD45

[FR Doc. 85-22046 Filed 10-28-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF GENERAL COUNSEL

Current and Projected Rulemakings

3697. AMENDING ENVIRONMENTAL RULES IN RESPONSE TO NEW RULES ISSUED BY THE COUNCIL ON ENVIRONMENTAL QUALITY (C.E.Q.)

Legal Authority: 47 USC 303(r); 47 USC 154(i)

CFR Citation: 47 CFR 1, Subpart I

Abstract: The Commission's existing environmental rules are being revised to comply with guidelines issued by the Council for Environmental Quality (C.E.Q.).

Timetable:

Action	Date	FR Cite
NPRM	07/03/79	44 FR 38913
NPRM Comment Period Begin	07/03/79	
NPRM Comment Period End	08/02/79	
R&O	00/00/00	

Small Entity: Yes

Additional Information: GEN DOCKET - 79-163.

Affected Sectors: None

Agency Contact: Holly Kaufman, Staff Attorney, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, **202 632-6990**

RIN: 3060–AB30

3698. AMENDMENT OF PART 1 OF THE COMMISSION'S RULES TO IMPLEMENT SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED, 29 U.S.C. SECTION 794

Legal Authority: 29 USC 794; 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 1.1801 to 1.1899

Abstract: As originally enacted in 1974, Section 504 of the Rehabilitation Act prohibited discrimination on the basis of handicap in federally assisted programs. The Amendment of 1978 extended the nondiscrimination mandate of Section 504 to programs and activities conducted by federal agencies. Under Executive Order 12250, the Attorney General is authorized to coordinate the implementation. To assist agencies in developing rules to implement the 1978 Amendment, the Department of Justice drafted a prototype which our proposed rules follow to prohibit discrimination on the basis of handicap on FCC programs.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/85	
ANPRM Comment Period Begin	08/26/85	
ANPRM Comment Period End	11/18/85	
NPRM Comment Period Begin	11/19/85	
NPRM Comment Period End	12/18/85	
R&O	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Sharon Kelley, Attorney-Advisor, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-6990**

RIN: 3060–AC86

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF GENERAL COUNSEL

Completed Actions

COMPLETED RULEMAKINGS

3699. THIRD REPORT AND ORDER IN GEN. DOCKET NO. 81-768--AMENDMENT OF THE COMMISSION'S RULES TO ALLOW THE SELECTION FROM AMONG CERTAIN COMPETING APPLICATIONS USING RANDOM SELECTION OR LOTTERIES ETC

Significance: Agency Priority

CFR Citation: 47 CFR 1.1621(b); 47 CFR 1.1622; 47 CFR 1.1623

Completed:

Reason	Date	FR Cite
R&O	08/17/85	

Small Entity: No

Agency Contact: Tatsu Kondo 202 632-7020

RIN: 3060–AC60

[FR Doc. 85-22046 Filed 10-28-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—PRIVATE RADIO BUREAU

Current and Projected Rulemakings

3700. INTERCONNECTION IN THE PRIVATE LAND MOBILE RADIO SERVICES IN THE FREQUENCY BANDS BELOW 800 MHZ

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: The FCC has adopted rules modifying or eliminating restrictions on interconnection of private land mobile radio systems operating in the bands below 800 MHz with the public switched telephone network. A petition for reconsideration of this action was filed 5/1/85.

Timetable:

Action	Date	FR Cite
NPRM adopted	04/26/84	
R&O adopted	03/01/85	
R&O published	04/17/85	50 FR 15148
NPRM published	06/20/85	49 FR 25255
MO&O	12/00/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: pr 84-414

Agency Contact: Nia Cresham, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, **202 634-2443**

RIN: 3060-AB74

3701. PRIVATE MICROWAVE CARRIER SYSTEMS

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 94

Abstract: The FCC adopted a Further Notice of Proposed Rule Making proposing to permit certain Part 94 licensees to lease capacity on their private microwave systems to non-dominant common carriers for transmission of common carrier communications.

Timetable:

Action	Date	FR Cite
First R&O released	04/01/85	
First R&O published	04/04/85	50 FR 13338
FNPRM adopted	08/07/85	
2nd R&O	09/00/86	

Small Entity: No

Additional Information: Docket Number: pr 83-426

Agency Contact: Mary Beth Hess, Federal Communications Commission, 2025 M St., N.W., RM. 5126, Washington, D.C. 20554, **202 634-2443**

RIN: 3060-AB77

3702. FREQUENCY COORDINATION IN THE PRIVATE LAND MOBILE RADIO SERVICES

Legal Authority: PL 97-259

CFR Citation: 47 CFR 90

Abstract: The FCC adopted a Notice of Proposed Rule Making proposing rules and standards for frequency coordination and field study procedures for the Private Land Mobile Radio Services.

Timetable:

Action	Date	FR Cite
NPRM published	10/17/84	49 FR 45454
NPRM adopted 10/17/84	11/16/84	49 FR 45454
Reply comments closed	04/25/85	
First R&O	03/00/86	
R&O	03/00/86	

Small Entity: No

Additional Information: Docket Number: pr 83-737

Agency Contact: E. Thomson/H. Zeiler, Federal Communications Commission, 2025 M St., N.W. Rm. 5126, Washington, D.C. 20554, **202 634-2443**

RIN: 3060-AB78

3703. FUTURE PUBLIC SAFETY TELECOMMUNICATIONS REQUIREMENTS

Legal Authority: PL 98-214

CFR Citation: 47 CFR 2; 47 CFR 90

Abstract: The FCC seeks comments on a staff report that is the second phase of a three-part project to develop a plan to assure that the current and future communications requirements of public safety authorities are taken into account in making spectrum allocations.

Timetable:

Action	Date	FR Cite
Order releasing Staff Report adopted	06/21/85	
Order releasing Staff Report published	08/09/85	50 FR 32239
Comments due	10/30/85	
Replies due	11/29/85	

Small Entity: No

Additional Information: Docket Number: pr 84-232

Agency Contact: Joseph Levin, Federal Communications Commission, 2025 M St., N.W., Rm. 5202, Washington, D.C. 20554, **202 632-7125**

RIN: 3060-AB89

3704. COMBINE PARTS 81 AND 83 INTO SINGLE PART 80 FOR MARITIME SERVICES AND ALASKA FIXED STATIONS

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 81; 47 CFR 83

Abstract: Proposes to amend the rules to consolidate Parts 81 and 83 into a new Part 80. Part 81 which deals with radio stations on land in the maritime service and Part 83 which deals with radio stations on ships in the maritime service have many similarities which lend themselves to consolidation.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM adopted	05/09/85	
NPRM published	06/04/85	50 FR 23454
R&O	09/00/86	

Small Entity: No

Additional Information: Docket Number: pr 85-145

Agency Contact: R. Mickley, Federal Communications Commission, 2025 M St., N.W., Rm. 8202, Washington, D.C. 20554, **202 632-7175**

RIN: 3060-AC73

3705. 900 MHZ ALLOCATION TO THE PRIVATE LAND MOBILE RADIO SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 90

Abstract: The FCC has adopted a Notice of Proposed Rule Making proposing the allocation of 12 MHz from the land mobile reserve for private land mobile use.

Timetable:

Action	Date	FR Cite
NPRM adopted	11/21/84	
NPRM published	01/11/85	50 FR 1582

Action	Date	FR Cite
Reply comments closed	06/05/85	
R&O	03/00/86	

Small Entity: Yes

Additional Information: Docket Number: pr 84-1233

Agency Contact: Stuart Overby, Federal Communications Commission, 2025 M St., N.W., Rm. 5114, Washington, D.C. 20554, **202 634-2443**

RIN: 3060-AD29

3706. USE OF COORDINATED REPEATERS IN THE ARS

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 97

Abstract: Proposes to amend Part 97 to formalize the repeater coordination process in the Amateur Radio Service.

Timetable:

Action	Date	FR Cite
NPRM	01/23/85	
NPRM adopted	01/23/85	
NPRM published	02/14/85	50 FR 6219
R&O	06/00/86	

Small Entity: No

Additional Information: Docket Number: pr 85-22

Agency Contact: J. Johnston, Federal Communications Commission, 2025 M St., N.W., Rm. 8202, Washington, D.C. 20554, **202 632-4964**

RIN: 3060-AD31

3707. IMPLEMENT FINAL ACTS OF WARC 1979 IN THE ARS

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 97

Abstract: The FCC has proposed amending Part 97 of the Rules to implement the World Administrative Radio Conference, ratified by the U.S. on Sept. 6, 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/23/85	
NPRM adopted	01/23/85	
NPRM published	02/13/85	50 FR 5797
R&O	03/00/86	

Small Entity: No

Additional Information: Docket Number: pr 85-23

Agency Contact: J. Johnston, Federal Communications Commission, 2025 M St., N.W., Rm. 8202, Washington, D.C. 20554, **202 632-4964**

RIN: 3060-AD32

3708. PETITION BY ARRL FOR A DECLARATORY STATEMENT ON FEDERAL PREEMPTION OF LOCAL ZONING REQUIREMENTS AS THEY APPLY TO ANTENNAS IN THE ARS

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 97

Abstract: Request by the American Radio Relay League for a Declaratory Ruling delineating the limitations of local zoning and other state and local regulatory authority over Federally-licensed amateur radio facilities.

Timetable:

Action	Date	FR Cite
Public Notice	08/30/84	
MO&O	12/00/85	

Small Entity: No

Additional Information: Docket Number: PRB-1

Agency Contact: J. Johnston, Federal Communications Commission, 2025 M St., N.W., Rm. 8202, Washington, D.C. 20554, **202 632-4964**

RIN: 3060-AD33

3709. ● TELEPHONE MAINTENANCE RADIO SERVICE (TMRS)

Legal Authority: 47 USC 154(i); 47 USC 403

CFR Citation: 47 CFR 90

Abstract: The FCC has proposed amending the rule governing the TMRS to eliminate the division of frequencies between wireline carriers and microwave carriers. Eligibility requirements and interservice frequency coordination are not altered.

Timetable:

Action	Date	FR Cite
NPRM adopted	08/05/85	
NPRM published	08/16/85	50 FR 33072
Comments on NPRM due	10/15/85	
Replies on NPRM due	11/15/85	
R&O	06/00/86	

Small Entity: Yes

Additional Information: Docket Number: pr 84-884

Agency Contact: Harold Salters, Federal Communications Commission, 2025 M St., N.W., Rm. 5202, Washington, D.C. 20554, **202 632-7597**

RIN: 3060-AD44

FEDERAL COMMUNICATIONS COMMISSION (FCC)—PRIVATE RADIO BUREAU

Completed Actions

COMPLETED RULEMAKINGS

3710. DIGITAL SELECTIVE CALLING IN MARINE SERVICES AND DIRECT DIAL IN VHF SERVICES

CFR Citation: 47 CFR 81; 47 CFR 83

Completed:

Reason	Date	FR Cite
R&O adopted	08/05/85	

Small Entity: No

Agency Contact: R. Mickley 202 632-7175

RIN: 3060-AA24

3711. INTRODUCTION OF NARROWBAND TECHNOLOGIES INTO THE PRIVATE LAND MOBILE RADIO SERVICES

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
R&O published	04/05/85	50 FR 13596

Small Entity: Yes

Agency Contact: Herb Zeiler 202 634-2443

RIN: 3060-AB86

FCC—PRB

Completed Actions

3712. EARLY ALLOCATION OF 18 & 24 MHZ, 24 & 900 MHZ, AND 10 MHZ CODIFICATION

CFR Citation: 47 CFR 97

Completed:

Reason	Date	FR Cite
2nd R&O adopted	08/09/85	

Small Entity: No

Agency Contact: J. Borkowski 202 632-4964

RIN: 3060-AB92

3713. AMENDMENTS TO THE SAFETY OF LIFE AT SEA

CFR Citation: 47 CFR 83

Completed:

Reason	Date	FR Cite
R&O published	05/01/85	50 FR 18489

Small Entity: No

Agency Contact: R. McIntyre 202 632-7175

RIN: 3060-AC70

3714. ELIMINATE THE REQUIREMENT FOR MANUFACTURERS TO PERFORM RELIABILITY TESTS ON SHIPBOARD RADAR

CFR Citation: 47 CFR 81; 47 CFR 83

Completed:

Reason	Date	FR Cite
R&O published	07/31/85	50 FR 30952

Small Entity: No

Agency Contact: W. Berges 202 632-7175

RIN: 3060-AC72

3715. 800 MHZ WAITING LIST

Significance: Agency Priority

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
R&O published	08/12/85	50 FR 32419

Small Entity: Yes

Agency Contact: Nia Cresham 202 634-2443

RIN: 3060-AD30

3716. IMPLEMENT HIGH FREQUENCY ALLOCATIONS MADE BY WARC 1979

CFR Citation: 47 CFR 81; 47 CFR 83

Completed:

Reason	Date	FR Cite
R&O adopted	08/05/85	

Small Entity: No

Agency Contact: L. Reed 202 632-7175

RIN: 3060-AD34

[FR Doc. 85-22046 Filed 10-28-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF SCIENCE AND TECHNOLOGY

Current and Projected Rulemakings

3717. L.A. SHERIFF'S PETITION

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2.106

Abstract: Petition requests reallocation of UHF-TV Channels 14-20 to public safety services.

Timetable:

Action	Date	FR Cite
FNPRM	06/28/85	
R&O	09/30/85	

Small Entity: No

Additional Information: RM-3975.

84-902.

Agency Contact: Don Precure, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8170

RIN: 3060-AA57

3718. AMENDMENT OF PART 15 TO PERMIT OPERATION OF FIELD DISTURBANCE SENSORS IN THE BAND 40.66 TO 40.70 MHZ

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303(a); 47 USC 303(r); Communications Act 4(i)

CFR Citation: 47 CFR 15

Abstract: In response to a petition (RM-4120) from Senstar, the Commission adopted a proposal in Dec. 1982 to amend Pt. 15 to provide for the operation of a perimeter protection system to be used at prisons and other high risk facilities.

Timetable:

Action	Date	FR Cite
FNPRM	06/30/85	
R&O	00/00/00	

Small Entity: No

Additional Information: 82-827.

Agency Contact: Liliane Volcy, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC64

3719. AMENDMENT OF PART 15 TO PROVIDE AN ADDITIONAL EXEMPTION FOR LARGE COMPUTER SYSTEM

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 302

CFR Citation: 47 CFR 15

Abstract: Petition for rulemaking filed by Electronic Associates Inc. to amend the rules to provide an exemption from for large computers manufactured in small quantities.

Timetable:

Action	Date	FR Cite
NPRM	06/30/84	
NPRM	08/21/84	
R&O	00/00/00	

Small Entity: No

Additional Information: RM-4246

Agency Contact: Julius Knapp, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC68

3720. ALLOCATION OF ADDITIONAL SPECTRUM FOR PRIVATE LAND MOBILE RADIO (LMCC PETITION)

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Abstract: Amendment of Pts. 2, 22 and 90 of the Rules to provide an additional allocation for present land mobile use, including private and cellular. LMCC petitions for allocation of all of the 900 MHz reserve bands plus investigation of future use of UHF-TV spectrum and the 216-225 MHz band.

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	
NPRM	12/31/84	
R&O	00/00/00	

Small Entity: Yes

Additional Information: RM-4829.

Agency Contact: **Fred Thomas**, Federal Communications Commission, 2025 M St., N.W., Rm. 7320, Washington, D.C. 20554, **202 653-8171**

RIN: 3060-AC91

3721. UTILIZATION POLICY - FIXED AND MOBILE SERVICES 1-40 GHZ (RECONSIDERATION)

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 21; 47 CFR 74; 47 CFR 78; 47 CFR 94

Abstract: Requests for reconsideration of a Commission MO&O dealing with the use of the 18 GHz band.

Timetable:

Action	Date	FR Cite
FNPRM	09/00/85	

Small Entity: Undetermined

Additional Information: 82-334

Agency Contact: **Don Campbell**, Federal Communications Commission, 2025 M St., N.W., Rm. 7328, Washington, D.C. 20554, **202 653-8171**

RIN: 3060-AC92

3722. ADDITIONAL SHARING OF UHF TV CHANNELS BY PRIVATE LM SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 303; 47 USC 332

CFR Citation: 47 CFR 2; 47 CFR 90

Abstract: Accommodation of projected requirements of private LM services would be partially through further sharing of certain UHF-TV channels in the major markets.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	
R&O	00/00/00	

Small Entity: Yes

Agency Contact: **Sam Tropea**, Federal Communications Commission, 2025 M St., N.W., Rm. 7310, Washington, D.C. 20554, **202 653-8167**

RIN: 3060-AC93

3723. TECHNICAL STANDARDS, MEDICAL ULTRASONIC EQUIPMENT - PART 18

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 18.71 to 84

Abstract: In the order denying a petition from Hewlett Packard to exempt medical ultrasonic equipment from Pt. 18, the Commission stated it would review the technical standards for this equipment. This is the follow-up item.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Yes

Agency Contact: **Julius Knapp**, Federal Communications Commission, 2025 M St., N.W., Rm. 8302, Washington, D.C. 20554, **202 653-8247**

RIN: 3060-AC95

3724. DORCMA - REMOTE CONTROL SECURITY DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.201 to 215

Abstract: The Door Operators and Remote Control Manufacturers Association requests what amounts to a complete review and overhaul of the technical standards for remote control and security devices in Part 15.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Yes

Additional Information: RM-4637.

Agency Contact: **John Reed**, Federal Communications Commission, 2025 M St., N.W., Rm. 8302, Washington, D.C. 20554, **202 653-8247**

RIN: 3060-AC96

3725. SEIA - REMOTE CONTROL/SECURITY DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.201 to 215

Abstract: The Security Equipment Industry Association requests review and overhaul of the technical standards and measurement methods for remote control and security devices in Part 15.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Yes

Additional Information: RM-4813.

Agency Contact: **John Reed**, Federal Communications Commission, 2025 M St., N.W., Rm. 8302, Washington, D.C. 20554, **202 653-8247**

RIN: 3060-AC97

3726. KNOGO - FIELD DISTURBANCE SENSORS

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.305

Abstract: KNOGO requests an expansion in frequencies available for wideband swept frequency field disturbance sensors used for anti-theft of merchandise.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	
R&O	00/00/00	

Small Entity: Yes

Additional Information: rm-4427.

Agency Contact: Liliane Volcy, Federal Communications Commission, 2025 M St., N.W., Rm. 8302, Washington, D.C. 20554, **202 653-8247**

RIN: 3060-AC98

3727. TECHNICAL FLEXIBILITY IN THE MOBILE COMMUNICATION SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 22; 47 CFR 90

Abstract: Review of technical standards dealing with mobile communications services.

Timetable:

Action	Date	FR Cite
NOI/NPRM	05/31/85	
R&O	00/00/00	

Small Entity: Yes

Agency Contact: Mike Marcus, Federal Communications Commission, 2025 M St., N.W., Rm. 7202, Washington, D.C. 20554, **202 632-7040**

RIN: 3060-AD00

3728. ● LAND MOBILE USE OF 421-430 MHZ

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Abstract: Amendment of Part 2 of the Rules to make portions of the 421-430 MHz band available for land mobile use in the vicinities of Detroit, Cleveland and Buffalo.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Undetermined

Additional Information: Docket Number: 85-113

Agency Contact: Don Precure, Federal Communications Commission, 2025 M St., N.W., Rm. 7314, Washington, D.C. 20554, **202 653-8170**

RIN: 3060-AD35

3729. ● 18168 KHZ MOBILE ALLOCATIONS

Significance: Agency Priority

Legal Authority: Communications Act 4(i); Communications Act 303(r)

CFR Citation: 47 CFR 2

Abstract: Develop an NPRM to allocate the band 18168-18780 kHz to the mobile service on a secondary basis.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Undetermined

Agency Contact: Fred Thomas, Federal Communications Commission, 2025 M St., N.W., Rm. 7310, Washington, D.C. 20554, **202 653-8162**

RIN: 3060-AD41

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF SCIENCE AND TECHNOLOGY

Completed Actions

COMPLETED RULEMAKINGS

3730. HF BROADCASTING WARC

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
R&O Need for further report negated by other actions	05/09/82	

Small Entity: No

Agency Contact: Neal McNaughton 202 653-8102

RIN: 3060-AA78

3731. SPACE SERVICES WARC (1985)

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
R&O	03/31/85	

Small Entity: No

Agency Contact: A. Rutkowski 202 653-8102

RIN: 3060-AA79

3732. GEOSTAR CORP. PETITION FOR RADIODETERMINATION SATELLITE

Significance: Agency Priority

CFR Citation: 47 CFR 2.106

Completed:

Reason	Date	FR Cite
Final Action	06/28/85	

Small Entity: Undetermined

Agency Contact: Mel Murray 202 653-8168

RIN: 3060-AB79

3733. STUDY OF MARINE HF BANDS

Significance: Agency Priority

CFR Citation: 47 CFR 81; 47 CFR 83

Completed:

Reason	Date	FR Cite
Withdrawn Included in Mobile WARC NOIs	03/31/85	

Small Entity: No

Agency Contact: Edward Jacobs 202 653-8102

RIN: 3060-AB88

3734. UPDATE ADMINISTRATIVE RULES IN PART 18

Significance: Agency Priority

CFR Citation: 47 CFR 18

Completed:

Reason	Date	FR Cite
R&O	06/30/85	

Small Entity: Undetermined

Agency Contact: Liliane Volcy 202 653-8247

RIN: 3060-AC89

3735. PRIMARY ALLOCATION FOR RADIO ASTRONOMY AT 1610 MHZ (NSF PETITION)

Significance: Agency Priority

CFR Citation: 47 CFR 2

Completed:

Reason	Date	FR Cite
R&O	06/30/85	

Small Entity: No

Agency Contact: Mel Murray 202 653-8168

RIN: 3060-AC94

3736. GTE RECONSIDERATION CORDLESS PHONES

Significance: Agency Priority

CFR Citation: 47 CFR 15.230 et seq

Completed:

Reason	Date	FR Cite
MO&O	03/30/85	

Small Entity: Yes

Agency Contact: Julius Knapp 202 653-8247

RIN: 3060-AC99

[FR Doc. 85-22046 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part XLIX

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FDIC

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is hereby publishing items for the October 1985 Regulatory Agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the FDIC statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Interested persons may petition the FDIC for the issuance, amendment or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

DATED: August 30, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3737	12 CFR 330 Brokered Deposits, Limitations on Deposit Insurance	3064-AA26
3738	12 CFR 332 Powers Inconsistent with Purposes of Federal Deposit Insurance Law	3064-AA29
3739	12 CFR 338 Fair Housing	3064-AA50
3740	12 CFR 352 Nondiscrimination on the Basis of Handicap	3064-AA39
3741	12 CFR 330 Recordkeeping Requirements for Deposits Placed by Deposit Brokers	3064-AA59
3742	12 CFR 353 Reports of Apparent Crimes Affecting Insured Nonmember Banks; Notification of Change in Fidelity Bond Coverage	3064-AA60
3743	12 CFR 335 Securities of Insured Nonmember Banks	3064-AA45
3744	12 CFR 329 Interest on Deposits	3064-AA32
3745	12 CFR 344 Securities Recordkeeping and Confirmations	3064-AA30

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
3746	12 CFR 303 Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control	3064-AA51
3747	12 CFR 304 Forms, Instructions, and Reports	3064-AA61
3748	12 CFR 308 Rules of Practice and Procedures: Subpart B -- Rules of Practice Generally	3064-AA64
3749	12 CFR 309 Disclosure of Information	3064-AA65
3750	12 CFR 311 Rules Governing Public Observation of Meetings of the Corporation's Board of Directors	3064-AA66
3751	12 CFR 329 Interest on Deposits	3064-AA67
3752	12 CFR 330 Clarification and Definition of Deposit Insurance Coverage	3064-AA68

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3753	12 CFR 303 Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control; and Forms, Instructions, and Reports	3064-AA69
3754	12 CFR 344 Securities Recordkeeping and Confirmations	3064-AA30
3755	12 CFR 308 Rules of Practice and Procedures; Discovery in Administrative Proceedings	3064-AA42

FDIC

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3756	12 CFR 309 Disclosure of Information; Release of Notices of Charges	3064-AA56

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Current and Projected Rulemakings

PROPOSALS OUTSTANDING

3737. BROKERED DEPOSITS, LIMITATIONS ON DEPOSIT INSURANCE

Significance: Agency Priority

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1813 Federal Deposit Insurance Act; 12 USC 1817 Federal Deposit Insurance Act; 12 USC 1821 Federal Deposit Insurance Act; 12 USC 1822 Federal Deposit Insurance Act

CFR Citation: 12 CFR 330

Abstract: On June 20, 1984, the United States District Court for the District of Columbia entered an Order declaring the Final Rule published by the FDIC at 49 FR 13003 (April 2, 1984) on limiting insurance coverage for brokered deposits to be unlawful, enjoining the Rule's implementation and directing that the Order be published. The FDIC published the Order, as directed by the Court, at 49 FR 27294 (July 3, 1984). On January 30, 1985, the U.S. Court of Appeals upheld the U.S. District Court's ruling that the FDIC did not have authority to limit insurance coverage on brokered deposits. The FDIC is considering recommending to the Justice Department that the case be appealed to the Supreme Court.

Timetable:

Action	Date	FR Cite
ANPRM	11/01/83	48 FR 50339
ANPRM Comment Period Begin	11/01/83	48 FR 50339
ANPRM Comment Period End	11/28/83	
NPRM	01/23/84	49 FR 2787
NPRM Comment Period Begin	01/23/84	49 FR 2787
NPRM Comment Period End	03/08/84	
Final Action	04/02/84	49 FR 13003
Final Action Effective	00/00/00	

Small Entity: No

Agency Contact: Joseph A. DiNuzzo, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064-AA26

3738. POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

Legal Authority: 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1821(f); 12 USC 1828(j)(2)

CFR Citation: 12 CFR 332

Abstract: The FDIC is proposing to amend Part 332 of its regulations to: (1) subject to certain exceptions, prohibit any insured bank (including insured nonmember banks, national banks, state banks that are members of the Federal Reserve System, insured branches of foreign banks, and federally chartered saving banks insured by the FDIC) from directly engaging in the following: underwriting insurance, developing real estate, reinsurance, guaranteeing or becoming surety upon the obligations of others, insuring the fidelity of others, or engaging in a surety business, (2) require any subsidiary of an insured bank that conducts any of the prohibited activities to meet the criteria for a bona fide subsidiary set out in the regulation, (3) require notice to the FDIC of intent to invest in such subsidiary or become affiliated with any company that engages in such activities, (4) place certain restrictions on the affiliation of an insured bank with a company that engages in any of the prohibited activities, (5) place certain restrictions on extensions of credit and other transactions between insured banks and their subsidiaries or affiliates that engage in any of the prohibited (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/12/83	48 FR 40900
ANPRM Comment Period Begin	09/12/83	48 FR 40900
ANPRM Comment Period End	11/14/83	
NPRM	12/13/84	49 FR 48552
NPRM Comment Period Begin	12/13/84	49 FR 48552
NPRM Comment Period End	02/11/85	
Revised NPRM	06/07/85	50 FR 23964
Revised NPRM Comment Period Begin	06/07/85	50 FR 23964
Revised NPRM Comment Period End	07/22/85	
(Future) Final Action	11/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: activities, (6) require all insured banks that prior to the publication of this proposal established or acquired a subsidiary or became affiliated with a company that engages in the prohibited activities to conform to the regulation (with certain exceptions) within one year from the effective date of the regulation, (7) require any insured bank that as of the publication date of the proposal is directly engaging in any of the prohibited activities to conform to the regulation within one year of the effective date of the regulation with the exception that ongoing real estate developments may be completed, and (8) exclude a bank's direct investment in a subsidiary that engages in prohibited activities from the bank's consolidated capital.

Analysis: Preliminary RIA 12/13/84 (49 FR 48552); Revised Preliminary RIA 06/07/85 (50 FR 23964)

Agency Contact: **Pamela E. F. LeCren**, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064–AA29

3739. FAIR HOUSING

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820; 15 USC 1691 et seq; 42 USC 3605; 42 USC 3608

CFR Citation: 12 CFR 338

Abstract: The FDIC has proposed amending its Fair Housing regulation, 12 CFR 338, to revise the recordkeeping exemption threshold. The FDIC now requires metropolitan banks with more than $10 million in assets to keep log sheets of home loan applications. The proposed rule would end the log sheet requirement for log sheet banks that have $50 million or less in assets and have received fewer than 25 home loan applications in the prior calendar year. Raising the threshold should improve the efficiency and effectiveness of consumer affairs examiners through more productive use of examination time and, additionally, should reduce the recordkeeping burden on banks.

Timetable:

Action	Date	FR Cite
NPRM	03/18/85	50 FR 10784
NPRM Comment Period Begin	03/18/85	50 FR 10784
NPRM Comment Period End	05/17/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: **Rex J. Morthland**, Director, Office of Consumer Programs, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 389-4473**

RIN: 3064–AA50

3740. NONDISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 29 USC 504 Rehabilitation Act of 1973; 12 USC 1819 Federal Deposit Insurance Act

CFR Citation: 12 CFR 352

Abstract: This proposed regulation implements the spirit of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to the programs or activities conducted by various Executive agencies. Although the FDIC does not believe that Congress contemplated coverage of non-appropriated, independent regulatory agencies such as the FDIC, it has chosen to promulgate this proposed regulation to ensure that, to the extent practicable, handicapped persons are provided with equal access to FDIC programs and activities.

Timetable:

Action	Date	FR Cite
NPRM	04/18/85	50 FR 15453
NPRM Comment Period Begin	04/18/85	
NPRM Comment Period End	06/17/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: **M. Jane Williamson**, Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, D C 20429, **202 389-4151**

RIN: 3064–AA39

3741. ● RECORDKEEPING REQUIREMENTS FOR DEPOSITS PLACED BY DEPOSIT BROKERS

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822; 12 USC 1823

CFR Citation: 12 CFR 330

Abstract: The FDIC is proposing to amend certain recordkeeping requirements affecting the manner in which insurance coverage on brokered deposits is determined. The amendments would require disclosure in the account records of the bank of the identity of each person having a beneficial ownership interest in such accounts in order for those persons to obtain insurance coverage. The primary purpose of the amendment is to enable the FDIC to determine quickly and efficiently the extent of insurance coverage on brokered deposits for supervisory and regulatory reasons and to make informed decisions regarding the costs of alternatives considered in handling insured banks which are failing.

Timetable:

Action	Date	FR Cite
NPRM	08/02/85	50 FR 31380
NPRM Comment Period Begin	08/02/85	50 FR 31380
NPRM Comment Period End	09/03/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: **Joseph A. DiNuzzo**, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064–AA59

3742. ● REPORTS OF APPARENT CRIMES AFFECTING INSURED NONMEMBER BANKS; NOTIFICATION OF CHANGE IN FIDELITY BOND COVERAGE

Legal Authority: 12 USC 1818; 12 USC 1819; 12 USC 1828

CFR Citation: 12 CFR 353

Abstract: The FDIC is proposing to add Part 353 to its regulations to require insured nonmember banks to report, on a prescribed form, criminal violations of the United States Code that involve or affect such banks to the appropriate investigatory and prosecuting authorities, as well as to the FDIC. Robberies, burglaries and nonemployee larcenies, which are subject to the requirements of 12 CFR 326.5(c), are exempt from the requirements of the proposed rule. The central purpose of the report form requirement is to assure that the information needed by the investigators and prosecutors for effective law enforcement is provided in an orderly and timely fashion. Also, the FDIC, by receiving a copy of the reports, will be better able to monitor, and to act to reduce, losses to insured nonmember banks as a result of criminal activity. The proposed rule also requires,in the interest of reducing losses, that an insured nonmember bank notify the FDIC if its fidelity bond against defalcations and similar losses is cancelled or if the coverage is changed significantly.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: **James R. Dudine**, Chief, Special Activities Section, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 389-4412**

RIN: 3064–AA60

POTENTIAL ACTIONS

3743. SECURITIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 15 USC 78l(i) Securities Exchange Act of 1934

CFR Citation: 12 CFR 335

Abstract: The Securities Exchange Act of 1934 requires the FDIC to issue regulations substantially similar to regulations of the Securities and Exchange Commission, or publish reasons for not doing so. The staff will likely propose such conforming amendments for public comment following rulemaking actions by the Commission.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Patrick J. Moses, Supervisory Financial Analyst, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 389-4651**

RIN: 3064-AA45

3744. INTEREST ON DEPOSITS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1828 Federal Deposit Insurance Act; 12 USC 1832(a) Federal Deposit Insurance Act

CFR Citation: 12 CFR 329

Abstract: The Federal Deposit Insurance Corporation is developing revisions to Part 329 of its regulations. The purpose of the revisions is to conform Part 329 with the interest-rate regulations of the Depository Institutions Deregulation Committee, 12 C.F.R. Part 1204.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jules Bernard, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064-AA32

3745. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819

CFR Citation: 12 CFR 344

Abstract: After several years of experience with Part 344, the FDIC believes that some changes to these regulations are desirable. Part 344 requires insured State nonmember banks effecting securities transactions for customers to maintain chronological and account records of transactions and provide customers with timely specified information, and establish written policies and procedures applicable to the securities activities performed for customers. The regulation serves to assure that customers are provided with adequate information about their securities transactions effected by the bank and that banks are maintaining adequate business records. It was issued through the Federal Financial Institutions Examination Council on an interagency basis in 1979.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: John F. Harvey, Review Unit Chief, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 389-4295**

RIN: 3064-AA30

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Existing Regulations Under Review

3746. APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607

CFR Citation: 12 CFR 303

Abstract: Part 303 sets forth the requirements and procedures to be followed by State nonmember banks in making application to the FDIC on such matters as obtaining deposit insurance, establishing a branch or moving a main office or branch, establishing remote service facilities, merging or consolidating, extending corporate or charter powers, reducing or retiring capital, providing notice of change in bank control, and various other matters. The regulation also describes the authority delegated by the FDIC Board of Directors to certain officials and committees of the Corporation to act on such matters as applications, notices of acquisition of control, requests for relief from reimbursement, and other related matters.

This regulation has been selected for review during calendar year 1985 under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	06/13/85	
End Review	09/00/85	

Small Entity: No

Agency Contact: Charles J. Magyar, Review Examiner, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 389-4345**

RIN: 3064-AA51

3747. FORMS, INSTRUCTIONS, AND REPORTS

Legal Authority: 12 USC 1819

CFR Citation: 12 CFR 304

Abstract: Part 304 identifies the forms and reports used for submitting information to the FDIC, describes the circumstances under which a particular form or report should be used, identifies

sources for obtaining preprinted forms, and prescribes the required contents of a report for which there is no preprinted form. The forms and reports serve various supervisory functions.

This regulation has been selected for review during calendar year 1985 under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	06/13/85	
End Review	09/00/85	

Small Entity: No

Agency Contact: **John R. Keiper, Jr.**, Assistant Executive Secretary (Admin), Federal Deposit Insurance Corporation, Washington, DC 20429, **202 389-4351**

RIN: 3064–AA61

3748. RULES OF PRACTICE AND PROCEDURES: SUBPART B -- RULES OF PRACTICE GENERALLY

Legal Authority: 5 USC 504; 12 USC 1819; 12 USC 1972; 15 USC 78w

CFR Citation: 12 CFR 308

Abstract: Subpart B to Part 308 prescribes rules of practice and procedures followed by the FDIC in hearings pursuant to the provisions of the Federal Deposit Insurance Act or other applicable law pertaining to involuntary termination of the insured status of any bank; issuance of cease-and-desist orders against any nonmember bank or its official; assessment of civil penalties against a bank or its official; issuance of orders that remove or suspend from office a director or officer of an insured nonmember bank; disapproval of a proposed acquisition of control of an insured nonmember bank; and imposition of sanctions upon a municipal securities dealer or a person associated with such a dealer.

This regulation has been selected for review during calendar year 1985 under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: **Gene Miller**, Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064–AA64

3749. DISCLOSURE OF INFORMATION

Legal Authority: 5 USC 552; 12 USC 1819

CFR Citation: 12 CFR 309

Abstract: Part 309 sets forth the basic policies of the FDIC regarding the information it maintains and the procedures for obtaining access to such information.

This regulation has been selected for review during calendar year 1985 under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
End Review	10/00/85	

Small Entity: No

Agency Contact: **James R. Dudine**, Chief, Special Activities Section, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 389-4412**

RIN: 3064–AA65

3750. RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Legal Authority: 5 USC 552b; 12 USC 1819

CFR Citation: 12 CFR 311

Abstract: Part 311 implements the policy of the "Government in the Sunshine Act," section 552b of Title 5, United States Code, which is to provide the public with as much information as possible regarding the decision-making processes of certain Federal agencies, including the FDIC, while preserving the rights of individuals and the ability of the agency to carry out its responsibilities.

This regulation has been selected for review during calendar year 1985 under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/85	
End Review	12/00/85	

Small Entity: No

Agency Contact: **Hoyle L. Robinson**, Executive Secretary, Federal Deposit Insurance Corporation, Washington DC 20429, **202 389-4425**

RIN: 3064–AA66

3751. INTEREST ON DEPOSITS

Legal Authority: 12 USC 1819; 12 USC 1828; 12 USC 1832

CFR Citation: 12 CFR 329

Abstract: The provisions of Part 329 apply to the advertisement and payment of interest or dividends on deposits in insured nonmember banks and insured State branches of foreign banks.

This regulation has been selected for review during calendar year 1985 under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/85	
End Review	12/00/85	

Small Entity: No

Agency Contact: **J. William Via, Jr.**, Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington DC 20429, **202 389-4171**

RIN: 3064–AA67

3752. CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Abstract: Part 330 provides for the determination by the FDIC of the insured depositors of an insured bank and the amount of their insured deposit accounts. It sets forth the rules for determining the insurance coverage of deposit accounts maintained by depositors.

This regulation has been selected for review during calendar year 1985 under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/85	
End Review	01/00/86	

Small Entity: No

Agency Contact: J. William Via, Jr., Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064-AA68

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Completed Actions

COMPLETED RULEMAKINGS

3753. APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL; AND FORMS, INSTRUCTIONS, AND REPORTS

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607

CFR Citation: 12 CFR 303; 12 CFR 304; 12 CFR 347

Abstract: The FDIC has amended its regulations to expand the delegated authority of the Director of the Division of Bank Supervision and, where confirmed in writing by the Director, that of the appropriate regional director to act on the following applications, requests, and notices of acquisition of control: (1) requests for approval of minor or nominal deviations from requirements prescribed by prior FDIC action; (2) applications for deposit insurance submitted on behalf of proposed or newly organized nonmember banks; (3) applications for deposit insurance submitted on behalf of state member banks that have withdrawn from membership in the Federal Reserve System; (4) applications for federal deposit insurance submitted on behalf of operating noninsured banks or institutions; and (5) applications to exercise any trust powers.

The FDIC has also delegated to the Board of Review the authority to act on: (1) applications to establish and operate any new branch or relocate any existing branch; (2) applications to exercise any trust powers; (3) applications for deposit (cont)

Timetable:

Action	Date	FR Cite
Final Action	05/30/85	50 FR 22970
Final Action Effective	05/30/85	50 FR 22970

Small Entity: No

Additional Information: ABSTRACT CONT: insurance filed by state member banks upon withdrawal from membership in the Federal Reserve System; (4) notices of acquisition of control of insured state nonmember banks; (5) applications to reduce the amount or retire any part of common or preferred capital stock, or retire any part of capital notes or debentures; and (6) requests for approval of any deviations from requirements prescribed by prior action of the Board of Review taken under delegated authority.

Additionally, the FDIC has substituted letter applications for application forms for banks applying to continue deposit insurance upon withdrawal from the Federal Reserve System and for insured state nonmember banks applying to reduce or retire capital.

Agency Contact: Charles J. Magyar, Review Examiner, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 389-4345**

RIN: 3064-AA69

3754. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1817 Federal Deposit Insurance Act; 12 USC 1818 Federal Deposit Insurance Act

CFR Citation: 12 CFR 344

Abstract: Part 344 of the FDIC's regulations requires insured State nonmember banks effecting securities transactions for customers to maintain chronological and account records of transactions and underlying order tickets reflecting specified information, provide customers with timely specified information, and establish written policies and procedures applicable to the securities activities performed for customers. The regulation serves to assure that customers are provided with adequate information about their securities transactions effected by the bank and that banks are maintaining adequate business records. It was issued through the Federal Financial Institutions Examination Council on an interagency basis in 1979. All three Federal bank regulatory agencies have almost identical regulations. After several years of experience with these regulations, some changes may be desirable. The three banking agencies, as a joint effort under the Examination Council, are reviewing these regulations to determine the specific changes to be proposed.

Timetable:

Action	Date	FR Cite
End Review	04/01/85	

Small Entity: No

Agency Contact: John F. Harvey, Review Unit Chief, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 389-4295**

RIN: 3064-AA30

3755. RULES OF PRACTICE AND PROCEDURES; DISCOVERY IN ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Administrative Procedure Act; 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1972 Tying Arrangements; 15 USC 78w Securities Exchange Act of 1934

CFR Citation: 12 CFR 308

Abstract: The FDIC is developing an amendment to Part 308 of its regulations to provide formal guidelines for the conduct of discovery in administrative hearings under section 8 and section 18 of the Federal Deposit Insurance Act (12 USC sections 1818 and 1828). In addition, FDIC is proposing certain changes in Part 308 to correct impediments to agency responsiveness and capability in adjudicative hearings.

Timetable:

Action	Date	FR Cite
Withdrawn	08/27/85	

Small Entity: No

Agency Contact: James L. Meador, Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064–AA42

3756. DISCLOSURE OF INFORMATION; RELEASE OF NOTICES OF CHARGES

Legal Authority: 12 USC 1819; 5 USC 552

CFR Citation: 12 CFR 309

Abstract: The FDIC has proposed amending its regulations to provide for the release of notices of charges issued by it in administrative enforcement proceedings, as well as final orders resulting from such proceedings.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7184
NPRM Comment Period Begin	02/21/85	50 FR 7184
NPRM Comment Period End	03/25/85	

Action	Date	FR Cite
Withdrawn	08/27/85	

Small Entity: No

Agency Contact: Walter P. Doyle, Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4151**

RIN: 3064–AA56

[FR Doc. 85-21626 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part L

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FERC

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 85-21, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 33 rulemakings listed, 25 are current and projected rulemakings, 5 are completed actions, and 3 have been withdrawn.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Kenneth F. Plumb,

Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Current and Projected Rulemakings

3757. REVISION TO FERC RULES OF PRACTICE, PART 3, DISCOVERY

Significance: Agency Priority

Legal Authority: 16 USC 791 to 828c Federal Power Act; 15 USC 717 to 717w Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 16 USC 2601 to 2645 PURPA

CFR Citation: 18 CFR 1.23; 18 CFR 1.26

Abstract: This will establish a uniform set of rules governing discovery in FERC trial-type hearings. Docket No. RM83-41-000.

Timetable:

Action	Date	FR Cite
NPRM	07/26/84	49 FR 30519
NPRM Comment Period Begin	07/26/84	
NPRM Comment Period End	10/01/84	
Final Action	12/00/85	

Small Entity: No

Agency Contact: C. Stephen Angle, Acting Asst. Gen. Counsel Hydroelec. & Elec., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8425**

RIN: 1902-AA13

3758. REVISION OF FERC RULES OF PRACTICE, SEPARATION OF FUNCTIONS AND EX PARTE RULES FOR TRIAL-TYPE PROCEEDINGS

Legal Authority: 5 USC 557

CFR Citation: 18 CFR 385.2201; 18 CFR 385.2202

Abstract: Rule would establish uniform ex parte and separation of functions rules for all trial-type proceedings. Docket No. RM80-60-000.

Timetable:

Action	Date	FR Cite
NPRM	05/29/80	45 FR 36094
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ellen Schall, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8002**

RIN: 1902-AA31

3759. APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS REQUIRING APPROVAL UNDER SECTION 305(B) OF THE FEDERAL POWER ACT

Legal Authority: 16 USC 792 to 828c

CFR Citation: 18 CFR 45, (Revision)

Abstract: The proposed rule would amend the procedure for application for authority to hold interlocking positions that require Commission approval under section 305(b) of the Federal Power Act. It would provide for a less burdensome procedure for acquiring Commission approval to hold positions with companies within a single electric utility holding company system registered under the Public Utility Holding Company Act of 1935. Docket No. RM83-63.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21304
NPRM Comment Period Begin	05/23/85	
NPRM Comment Period End	07/08/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA32

3760. CALCULATION OF CASH WORKING CAPITAL ALLOWANCE FOR PUBLIC UTILITIES

Significance: Agency Priority

Legal Authority: 16 USC 79 to 828c

CFR Citation: 18 CFR 35

Abstract: Proposed rule would provide that a public utility that files electric rate schedules may include in rate base no cash working capital allowance, unless it is demonstrated that the payment of certain current operating expenses by that utility is not, on the average, closely timed with the receipt of revenues from ratepayers, producing a significant "lead" or "lag" in revenue collection in relation to the payment of expenses. The new section would prescribe the expense elements includable in cash working capital, the parameters of the presumption against a cash working capital allowance, and the nature of the studies that may be submitted in support of, or in opposition to, any request for a cash working capital allowance. Docket No. RM84-9.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 14384
NPRM Comment Period Begin	04/11/84	
NPRM Comment Period End	07/05/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA33

3761. TEMPORARY EMERGENCY TRANSPORTATION, SALES AND DELIVERY OF NATURAL GAS

Significance: Agency Priority

Legal Authority: Natural Gas Act, Sec 7(c)

CFR Citation: 18 CFR 2; 18 CFR 157; 18 CFR 284

Abstract: The rule would update the Commission's regulations regarding emergency transportation, sales, and delivery of natural gas, and would eliminate unnecessary reporting requirements. Docket No. RM83-31.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 35135
NPRM Comment Period Begin	09/15/84	
NPRM Comment Period End	11/15/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Robert Christin, Asst. Gen. Counsel - Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8522**

RIN: 1902-AA35

3762. FEES APPLICABLE TO NATURAL GAS PIPELINE CERTIFICATES

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 Department of Energy Organization Act; 31 USC 483a Independent Offices Appropriations Act

CFR Citation: 18 CFR 2; 18 CFR 152; 18 CFR 154; 18 CFR 156; 18 CFR 157; 18 CFR 281; 18 CFR 284; 18 CFR 381

Abstract: The rule will establish a schedule of fees a pipeline must pay for Commission services relating to certificates of necessity and convenience under the Natural Gas Act. Docket No. RM82-31-000.

Timetable:

Action	Date	FR Cite
NPRM	09/10/82	47 FR 40634
NPRM Comment Period Begin	09/10/82	
NPRM Comment Period End	11/09/82	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Robert Christin, AGC - Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8522**

RIN: 1902-AA40

3763. RETIREMENT UNITS OF NUCLEAR REACTOR PLANT EQUIPMENT

Significance: Agency Priority

Legal Authority: 16 USC 825 to 825h Federal Power Act; 42 USC 7101 DOE Organization Act

CFR Citation: 18 CFR 35

Abstract: Proposed rule would establish list of retirement units for nuclear reactor plants for purposes of the Commission's Uniform Systems of Accounts. Docket No. RM83-39-000.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA43

3764. ACCOUNTING FOR SPENT NUCLEAR FUEL DISPOSED OF BY THE DEPARTMENT OF ENERGY

Significance: Agency Priority

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 35; 18 CFR 101; 18 CFR 141

Abstract: Rulemaking will provide accounting to track permanent disposal of spent nuclear fuel charges by the Department of Energy. Docket No. RM85-8-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA46

3765. REVISIONS TO FPC FORM NO. 8 AND FERC FORM NO. 16

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w Natural Gas Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 260.12; 18 CFR 260.11

Abstract: Rulemaking would reduce the reporting frequency of FPC Form No. 8, Underground Gas Storage Report, and streamline FERC Form No. 16, Report of Gas Supply and Requirements. The Rule would also address OMB concerns pertaining to the gas supply data collected by FERC. Docket No. RM85-13-000

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 20109
NPRM Comment Period Begin	05/14/85	
NPRM Comment Period End	06/28/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Robert Christin, Asst General Counsel - Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8522**

RIN: 1902-AA47

3766. FEES FOR HYDROPOWER PROJECTS

Significance: Agency Priority

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 381

Abstract: The rulemaking would establish a fee for services performed by the Commission under the FPA for hydropower projects. The rule would

cover permits, licenses and exemptions. Docket No. RM83-33-000

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA48

3767. FEES FOR OIL PIPELINES

Significance: Agency Priority

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 346

Abstract: The rulemaking would establish a fee structure for services performed by the Commission under the Interstate Commerce Act for oil pipeline rates. Docket No. RM83-35-000

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8497**

RIN: 1902-AA49

3768. REVISIONS TO PGA REGULATIONS

Significance: Agency Priority

Legal Authority: 15 USC 717c Natural Gas Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 157

Abstract: In view of the deregulation on January 1, 1985, the rulemaking addresses whether the Commission's PGA regulations should be revised to accommodate unexpected fluctuations in pipelines' purchased gas costs, and whether the PGA regulations should be revised to update them, standardize procedures, or codify Commission policy. Docket No. RM84-12-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8497**

RIN: 1902-AA50

3769. NUCLEAR FUEL ACCOUNTING REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 825; 16 USC 825(c)(1); 16 USC 825(h) Federal Power Act; 42 USC 7101 Department of Energy Organization Act; EO 12009

CFR Citation: 18 CFR 101

Abstract: This rule would revise and add accounts to treat nuclear fuel stock when a plant is deferred or cancelled. The rule will codify existing practice. Docket No. RM83-28-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA52

3770. REVISED PROCEDURES FOR WELL CATEGORY DETERMINATIONS UNDER THE NGPA

Legal Authority: 15 USC 3301 to 3432

CFR Citation: 18 CFR 271.804; 18 CFR 274.206

Abstract: Rulemaking would revise Commission regulations under the Natural Gas Policy Act to reduce the number of filings by 8000 in the first year, relieving burdens on industry, jurisdictional agencies and the Commission. Docket No. RM85-7-000

Timetable:

Action	Date	FR Cite
NPRM	07/30/85	50 FR 30859
NPRM Comment Period Begin	07/30/85	
NPRM Comment Period End	09/30/85	

Small Entity: Undetermined

Agency Contact: Howard Schneider, Asst. General Counsel - Producer Regulations, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8511**

RIN: 1902-AA53

3771. PAYMENTS FOR BENEFITS FROM HEADWATER IMPROVEMENTS

Significance: Agency Priority

Legal Authority: 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 11.25; 18 CFR 11.26; 18 CFR 11.27; 18 CFR 11.30

Abstract: This rulemaking addresses the issues of whether to adopt a generic formula to govern the assessment of headwater benefits charges according to a formula first announced in the Roanoke decision, and whether to specify certain procedural steps in the determination of headwater benefits charge that would make these procedures more consistent with the Commission's rules of practice and procedure. Docket No. RM83-57-000

Timetable:

Action	Date	FR Cite
NPRM	12/29/83	49 FR 1067
NPRM Comment Period Begin	12/29/83	
NPRM Comment Period End	03/09/84	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA55

3772. PROCEDURES FOR COMPLIANCE WITH THE FEDERAL WATER POLLUTION ACT IN HYDROELECTRIC LICENSING

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 33 USC 1251 to 1376 Federal Water Pollution Control Act

CFR Citation: 18 CFR 4

Abstract: Rulemaking would clarify the Commission requirements and applicants' responsibilities in satisfying section 401 certification requirements

under the Federal Water Pollution Control Act. Docket No. RM85-6-000

Timetable:

Action	Date	FR Cite
NPRM	08/09/85	50 FR 32229
NPRM Comment Period Begin	08/09/85	
NPRM Comment Period End	10/08/85	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA56

3773. REVISION OF FERC FORM NO. 73, OIL PIPELINE RATES FOR DEPRECIATION ANALYSIS

Significance: Agency Priority

Legal Authority: 49 USC 1 to 27 (1976) Interstate Commerce Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 352

Abstract: Rulemaking will revise and update FERC Form No. 73, which collects service line data from oil pipelines for use in depreciation analysis. Docket No. RM85-11-000

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8497**

RIN: 1902-AA57

3774. EXEMPTION FROM THE LICENSING REQUIREMENTS OF PART I OF THE FEDERAL POWER ACT OF CERTAIN CATEGORIES OF SMALL HYDROELECTRIC POWER PROJECTS WITH AN INSTALLED CAPACITY OF 5 MW OR LESS

Significance: Agency Priority

Legal Authority: 16 USC 823a Federal Power Act; 16 USC 2708 PURPA; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 4.109; 18 CFR 4.110; 18 CFR 4.111; 18 CFR 4.112

Abstract: The Commission has requested a remand from the U.S. Court of Appeals for the D.C. Circuit of its categorical exemptions rule for small hydroelectric power projects in order to determine whether or not to repeal the categorical exemption regulations. Docket No. RM81-7-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA59

3775. HIGH COST GAS PRODUCED FROM TIGHT FORMATIONS

Significance: Agency Priority

Legal Authority: 15 USC 3012; 15 USC 3013; 15 USC 3017 Natural Gas Policy Act

CFR Citation: 18 CFR 271.703

Abstract: A petition filed by the Citizens Labor Energy Coalition raised the issue of whether tight formation gas pricing circumvents NGPA ceilings by (1) permitting price exceeding market clearing price level for natural gas; (2) diverting exploration and production away from lower section 102 and 103 gas; and (3) perverse incentives not being examined. Docket No. RM82-33-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Schneider, Asst General Counsel - Producer Regulations, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8511**

RIN: 1902-AA60

3776. TREATMENT OF INVESTMENT TAX CREDITS BY NATURAL GAS PIPELINE COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 717c-d Natural Gas Act

CFR Citation: 18 CFR 2.67a

Abstract: The rule proposes a substitute Investment Tax Credit rule for natural gas pipelines that would eliminate much, if not all, of the favorable tax treatment accorded pipelines. Docket No. RM 83-8-000

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	50 FR 8138
NPRM Comment Period Begin	02/28/85	
NPRM Comment Period End	05/01/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8497**

RIN: 1902-AA61

3777. FEES APPLICABLE TO ELECTRIC UTILITIES, COGENERATORS AND SMALL POWER PRODUCERS

Significance: Agency Priority

Legal Authority: 31 USC 9701 Independent Offices Appropriation Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 32; 18 CFR 381; 18 CFR 375

Abstract: The rules would establish a fee structure for services performed by the Commission under PURPA. Docket No. RM82-38-000

Timetable:

Action	Date	FR Cite
NPRM	12/15/82	47 FR 57943
NPRM Comment Period Begin	12/29/82	
NPRM Comment Period End	02/14/83	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA62

3778. ACCOUNTING AND RATEMAKING TREATMENT FOR NUCLEAR PLANT DECOMMISSIONING COSTS

Significance: Agency Priority

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 35; 18 CFR 101; 18 CFR 141

Abstract: Rulemaking would establish appropriate accounting and ratemaking treatment for nuclear plant decommissioning costs that public utilities are beginning to incur. Docket No. RM85-5-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20246, **202 357-8488**

RIN: 1902-AA64

3779. ● GENERIC DETERMINATION OF RATE OF RETURN ON COMMON EQUITY FOR PUBLIC UTILITIES

Significance: Agency Priority

Legal Authority: 16 USC 728 to 828c Federal Power Act; 42 USC 7101 to 7352 Dept. of Energy Org. Act

CFR Citation: 18 CFR 37

Abstract: The purpose of this proceeding is to determine an estimate of the average cost of common equity for the jurisdictional operations of public utilities for the year ending June 30, 1985. RM85-19-000

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 30207
NPRM Comment Period Begin	07/24/85	50 FR 30207
NPRM Comment Period End	08/30/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. Gen. Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA66

3780. ● REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717z Natural Gas Act; 42 USC 7101 to 7352 Dept. of Energy Organ. Act; 15 USC 3301 to 3432 Natural Gas Policy Act

CFR Citation: 18 CFR 2; 18 CFR 154; 18 CFR 157; 18 CFR 161; 18 CFR 284

Abstract: The Commission is proposing to amend its rules in four specific areas. In order to open up natural gas transmission to more competition, any natural gas pipeline that holds itself out as a transporter of natural gas would be required to provide firm transportation service on a non-discriminatory basis with volumetric rates to all shippers for all categories of gas and for all end-uses. In addition, a rebuttable presumption of prudence would be established for certain limited and circumscribed payments ("buyouts") made by pipelines to extinguish all future minimum payment or purchase obligations in certain contracts with producers and suppliers. New, expedited certificate procedures would also be available on an optional basis to persons who apply for certificates to the Commission under section 7 of the Natural Gas Act, 15 U.S.C. 717f (1982). This proposal would also preserve to existing consumers the benefits of "old gas" price-controlled under the Natural Gas Policy Act, 15 U.S.C. 3301-3432 (1982). RM 85-1

Timetable:

Action	Date	FR Cite
Notice of Inquiry Phase I	01/02/85	50 FR 114
Notice of Inquiry Phases II & III	01/28/85	50 FR 3801
NPRM	05/30/85	50 FR 24130
NPRM Comment Period Begin	06/07/85	50 FR 24130
NPRM Comment Period End	07/15/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Charles Teclaw, Director, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8100**

RIN: 1902-AA67

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Existing Regulations Under Review

3781. ● NOI - REGULATION OF ELECTRICITY SALES - FOR RESALES AND TRANSMISSION SERVICE

Significance: Agency Priority

Legal Authority: 16 USC 2601 to 2645 PURPA; 15 USC 791a to 828c FPA

CFR Citation: 18 CFR 290; 18 CFR 35

Abstract: The Notice of Inquiry seeks information on the pricing and risk allocation for electric wholesale requirements service. RM85-17-000

Timetable:

Action	Date	FR Cite
Notice of Inquiry Phase I	06/04/85	50 FR 23446
Notice of Inquiry Phase II	07/05/85	50 FR 27604
End Review	00/00/00	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. Gen. Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA68

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Completed Actions

COMPLETED RULEMAKINGS

3782. APPLICATION FOR LICENSE, PERMIT AND EXEMPTION FROM LICENSING FOR WATER POWER PROJECTS

Significance: Agency Priority

CFR Citation: 18 CFR 4, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	03/25/85	50 FR 11658
Final Action Effective	04/25/85	

Small Entity: No

Agency Contact: Kristina Nygaard 202 357-8033

RIN: 1902-AA34

3783. GENERIC DETERMINATION OF RATE OF RETURN ON COMMON EQUITY FOR PUBLIC UTILITIES

Significance: Agency Priority

CFR Citation: 18 CFR 37

Completed:

Reason	Date	FR Cite
Final Action	05/29/85	50 FR 21802
Final Action Effective	06/28/85	

Small Entity: No

Agency Contact: Lynn Hargis 202 357-8488

RIN: 1902-AA39

3784. REFUND OBLIGATIONS OF SELLERS AND PURCHASERS OF FIRST-SALE NATURAL GAS UNDER NGPA

Significance: Agency Priority

CFR Citation: 18 CFR 154; 18 CFR 270; 18 CFR 273

Completed:

Reason	Date	FR Cite
Final Action	06/05/85	50 FR 23669
Final Action Effective	08/19/85	

Small Entity: No

Agency Contact: Howard Schneider 202 357-8511

RIN: 1902-AA44

3785. REVISIONS OF FERC FORM NO. 80

Significance: Agency Priority

CFR Citation: 18 CFR 141.14

Completed:

Reason	Date	FR Cite
Final Action	05/14/85	50 FR 20095
Final Action Effective	09/11/85	

Small Entity: No

Agency Contact: Kristina Nygaard 202 357-8033

RIN: 1902-AA45

3786. REVISIONS TO FERC FORM NO. 1

Significance: Agency Priority

CFR Citation: 18 CFR 141

Completed:

Reason	Date	FR Cite
Final Action	05/13/85	50 FR 19912
Final Action Effective	06/12/85	

Small Entity: No

Agency Contact: Lynn Hargis 202 357-8488

RIN: 1902-AA54

3787. FORM NO. 2 - CLASSIFICATION OF LNG PROJECTS

CFR Citation: 18 CFR 201; 18 CFR 260.1

Completed:

Reason	Date	FR Cite
Withdrawn	05/01/85	

Small Entity: No

Agency Contact: Robert Christin 202 357-8522

RIN: 1902-AA58

3788. ACCOUNTING TREATMENT FOR LINE PACK GAS

CFR Citation: 18 CFR 201

Completed:

Reason	Date	FR Cite
Withdrawn	05/00/85	

Small Entity: No

Agency Contact: Robert Christin 202 357-8522

RIN: 1902-AA63

3789. MARGINAL COST PRICING FOR WHOLESALE ELECTRIC UTILITIES

CFR Citation: 18 CFR 290; 18 CFR 35

Completed:

Reason	Date	FR Cite
Withdrawn	08/01/85	

Small Entity: No

Agency Contact: Lynn Hargis 202 357-8488

RIN: 1902-AA65

[FR Doc. 85-21505 Filed 10-28-85; 8:45 am]

BILLING CODE 6717-01-T

federal register

Tuesday
October 29, 1985

Part LI

Federal Home Loan Bank Board

Semiannual Regulatory Agenda

FHLBB

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 85-866]

Agenda of Federal Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the October Regulatory Agenda.

ADDRESS: Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

DATED: September 26, 1985.

Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Current and Projected Rulemakings

3790. SECURITIES OFFERINGS

Legal Authority: 12 USC 1725; 12 USC 1726; 12 USC 1730; 12 USC 1464

CFR Citation: 12 CFR 563.7-4; 12 CFR 563.8; 12 CFR 563.8-1; 12 CFR 563.8-4; 12 CFR 563c.1; 12 CFR 563g, (Proposed new Part)

Abstract: The proposal is intended to establish uniform rules for securities offerings applicable to all institutions whose accounts are insured by, or who are applying for insurance from, the Federal Savings and Loan Insurance Corporation, and to relieve current restrictions on securities activities by such institutions at their offices. The current lack of uniform rules puts institutions in danger of inadvertently violating the disclosure-oriented antifraud provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934, and the use of inadequate or misleading disclosures by individual institutions, could have a significant adverse impact on the capability of other thrift institutions to raise capital and could result generally in illiquid and disorderly markets for the securities of insured institutions.

The alternatives under consideration are: (1) do nothing (no adoption of rules); (2) adopt unique disclosure rules for thrifts; or (3) adopt SEC-like rules (as proposed-public market recognition and comparability).

Costs/benefits have not been quantified; general (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/13/85	
Board action withdrawing previous proposal 48 FR 10684 (3/14/83) & substituting new NPRM	09/13/85	
Publication of Board action	09/25/85	50 FR 38839
NPRM Comment Period End	11/18/85	

Small Entity: No

Additional Information: ABSTRACT CONT: weighing of the industry cost of producing disclosure documents (and disclosing possibly unfavorable elements) vs. the cost of antifraud litigation, inability to raise capital, and FSLIC liability for institutions materially weakened by such adverse actions.

Agency Contact: John P. Harootunian, Deputy Dir., Div. of Corp. Analysis, O.G.C., Federal Home Loan Bank Board, OGC, 1700 G Street, NW, Washington, DC 20552, **202 377-6415**

RIN: 3068-AA04

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Completed Actions

COMPLETED RULEMAKINGS

3791. CONSUMER PROTECTIONS; UNFAIR AND DECEPTIVE TRADE PRACTICES

CFR Citation: 12 CFR 535, (New)

Completed:

Reason	Date	FR Cite
Final Action	04/30/85	50 FR 19325
Final Action Effective	01/01/86	

Small Entity: No

Agency Contact: Ben F. Dixon 202 377-6399

RIN: 3068-AA05

[FR Doc. 85-23424 Filed 10-28-85; 8:45 am]

BILLING CODE 6720-01-T

federal register

Tuesday
October 29, 1985

Part LII

Federal Maritime Commission

Semiannual Regulatory Agenda

FMC

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Commission anticipates having under consideration during the period from October 1, 1985, to September 30, 1986, actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: John Robert Ewers, Director, Office of Regulatory Overview, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5866.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include petitions for rulemakings which are under staff review.

In addition, the Commission is publishing a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda (April, 1985, 50 FR 18096). This list will be made available to the press and interested groups.

Bruce A. Dombrowski,

Acting Secretary.

FEDERAL MARITIME COMMISSION (FMC) — Current and Projected Rulemakings

3792. COSTS OF PROCEEDINGS

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1717(a)(4)

CFR Citation: 46 CFR 502

Abstract: Section 18(a)(4) of the Shipping Act requires the Commission to collect and analyze data concerning the impact of the Act on the costs of major types of regulatory proceedings before the Commission. This action will provide the regulations needed to obtain this information.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA45

3793. RULES OF PRACTICE AND PROCEDURE - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 822; 46 USC app 841a; 46 USC app 1710 to 1711; 46 USC app 1716

CFR Citation: 46 CFR 502

Abstract: The Commission's Rules on Practice and Procedure are being reviewed to accommodate special situations such as requirements for filing appeals and requests for oral argument, petitions outside the scope of present Part 502 and special dockets, especially with regard to the date of shipment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA46

3794. SERVICE CONTRACTS - MISCELLANEOUS AMENDMENTS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 580.7

Abstract: Service Contract Rule at 46 CFR 580.7 is being reviewed to: clarify ambiguities and legal distinctions; provide for rational limitations to properly implement the Shipping Act of 1984 and to allow the maximum flexibility of use by carriers so as to promote wider use of service contracts in foreign commerce.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	09/00/85	
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA62

3795. INQUIRY CONCERNING INTERPRETATIONS OF SECTIONS 8(A) AND 8(C), SHIPPING ACT OF 1984; EXCEPTED COMMODITIES

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702 to 1707; 46 USC app 1709; 46 USC app 1715; 46 USC app 1716

CFR Citation: 46 CFR 572; 46 CFR 580

Abstract: Section 8(a)(1) of The Shipping Act of 1984 exempts from tariff filing certain commodities such as bulk cargo, forest products, recycled

metal scrap, waste paper and paper waste. This review will clarify the legal consequences of conferences which agree to fix rates on such commodities. (Docket 85-6)

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
ANPRM	03/18/85	50 FR 10807
ANPRM Comment Period Begin	03/18/85	50 FR 10807
Extend comment time to 05/17/85	04/10/85	50 FR 14122
ANPRM Comment Period End	04/17/85	
End Review	04/00/85	
Final Action	10/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA65

3796. INDEPENDENT ACTION: NOTICE AND MEETING PROVISIONS IN CONFERENCE AGREEMENTS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701; 46 USC app 1702; 46 USC app 1703; 46 USC app 1704; 46 USC app 1705; 46 USC app 1706; 46 USC app 1707; 46 USC app 1716

CFR Citation: 46 CFR 572.502

Abstract: Section 5(b)(8) of the Shipping Act of 1984 provides that a conference member may take independent rate action upon not more than ten days' notice. By this review, the Commission intends to ensure that the law is properly complied with and that no unreasonable restrictions inhibit the statutory right of independent action. (Docket 85-7)

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
NPRM	03/18/85	50 FR 10810
NPRM Comment Period Begin	03/18/85	50 FR 10810
Extend comment time to 05/17/85	04/11/85	50 FR 14264
NPRM Comment Period End	04/17/85	
End Review	04/00/85	
Final Action	10/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA66

3797. ATTORNEYS FEES IN REPARATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 821; 46 USC app 841a; 46 USC app 1710(g)

CFR Citation: 46 CFR 502

Abstract: Section 11(g) of the Shipping Act of 1984 provides for reasonable attorneys' fees in Commission reparation proceedings. The action here would establish Commission policy with regard to eligibility, reasonableness and when to award.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	05/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA72

3798. ● TARIFF PUBLICATION OF FREE TIME AND DETENTION CHARGES APPLICABLE TO CARRIER EQUIPMENT INTERCHANGED WITH SHIPPERS OR THEIR AGENTS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 841a; 46 USC app 844; 46 USC app 1707; 46 USC app 1708; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 550.5; 46 CFR 580.5; 46 CFR 580.7

Abstract: Docket 85-19 - Clarification of requirement that terms and conditions, including free time and detention, governing use of carrier-provided equipment by shippers or their agents be published in tariffs and service contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/08/85	50 FR 32097
NPRM Comment Period Begin	08/08/85	50 FR 32097
NPRM Comment Period End	09/23/85	
Final Action	11/00/85	
Final Action Effective	12/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA73

FEDERAL MARITIME COMMISSION (FMC)

Existing Regulations Under Review

3799. PUBLIC INFORMATION - FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552(b)(4); 46 USC app 841(a)

CFR Citation: 46 CFR 503

Abstract: Amendments to current rules governing treatment of FOIA requests will provide for notification to filers of "business confidential" information to permit responses before a decision to release or not to release information requested under the Act.

Timetable:

Action	Date	FR Cite
End Review	10/00/85	
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	12/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA12

3800. INFORMATION REQUIRED FOR SECTION 18 STUDY

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717(a)

CFR Citation: 46 CFR , (New)

Abstract: Section 18(a) of the Shipping Act of 1984 requires the Commission to collect information concerning the impact of the Act upon the international ocean shipping industry for a period of 5 years ending on March 20, 1989. To the extent such data are not available, this review will consider Commission rules or orders to develop such information from the regulated industry.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
End Review	01/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA50

3801. INDEPENDENT ACTION: REPORTING

Significance: Agency Priority

Legal Authority: 46 USC 553; 46 USC app 1704; 46 USC app 1709; 46 USC app 1716

CFR Citation: 00 CFR None

Abstract: Section 5(b)(8) of the Shipping Act of 1984 requires that conference members be allowed to take independent rate action under certain conditions. The Commission is considering a rule to require accurate and complete reporting with regard to this statutory right to ensure compliance.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA53

3802. INFORMATION FORM FOR AGREEMENTS: MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1705; 46 USC app 1716

CFR Citation: 46 CFR 572.405; 46 CFR 572, Appendix A

Abstract: The information form that must accompany certain types of agreements filed under 46 CFR Part 572 may need to be amended to ensure Commission jurisdiction and to show the affiliates of the filing parties.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	10/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA55

3803. COORDINATE PROVISIONS IN TARIFFS, SERVICE CONTRACTS AND AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1704 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 572; 46 CFR 580

Abstract: Certain provisions of tariffs, service contracts and agreements cover the same matters. This action will consider whether or not such provisions can be better coordinated through, for example, standardization, cross-referencing, etc.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA60

3804. AUTOMATED TARIFF FILING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1708; 46 USC app 1715; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580

Abstract: The Commission is considering the development of a fully automated system whereby tariff matters can be made available to the public and to the Commission through automatic data processing in order to reduce paperwork and other burdens. An Industry Advisory Committee is assisting the Commission in the project.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Notice of Intent to form Advisory Committee	04/12/85	50 FR 14453
End Review	01/00/87	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA61

3805. COMMON AND CONTRACT CARRIAGE - MISCELLANEOUS PROVISION

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 841a; 46 USC app 1702; 46 USC app 1716

CFR Citation: 46 CFR 510; 46 CFR 515; 46 CFR 525; 46 CFR 550; 46 CFR 552; 46 CFR 553; 46 CFR 560; 46 CFR 572; 46 CFR 580

Abstract: This review will attempt to clarify the status of common carriers vis-a-vis contract carriers and provide reasonable regulations for operations by common carriers subject to the shipping statutes.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA63

3806. INDEX OF DOCUMENTS FOR AGREEMENTS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 572.704

Abstract: Section 572.704 of Title 46 Code of Federal Regulations requires agreement parties who are required to file minutes to maintain an index of certain reports, studies and documents used for certain decisions, and to file such an index quarterly with the Commission. Some segments of the industry have requested relaxation of this requirement which the Commission will consider after the receipt of the first indices filed under the present rule.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	09/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA64

3807. TERMINAL OPERATOR TARIFFS-EXCULPATORY PROVISIONS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1709(d)(1); 46 USC app 1716

CFR Citation: 46 CFR 515

Abstract: The Commission has had a number of formal adjudication proceedings involving the legality of certain tariff clauses which exculpate, indemnify or save harmless the terminal operator for negligence. This action would provide needed clarification and specific guidelines for such clauses.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA67

3808. REGULATION OF AGREEMENTS OF DOMESTIC CARRIERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 801 et seq

CFR Citation: 46 CFR 558 to 569

Abstract: The Shipping Act, 1916, after amendment by the Shipping Act of 1984, applies only to domestic operations. In order to properly implement the 1984 Act, the Commission made the essential, limiting changes to its domestic regulations of agreements within the deadline established by the 1984 Act. This review will now determine what further, substantive changes in the domestic agreements rules are necessary.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA68

3809. OCEAN FREIGHT FORWARDERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1718

CFR Citation: 46 CFR 510

Abstract: Various amendments to 46 CFR Part 510 are being considered to clarify Ocean Freight Forwarder regulations and to better implement the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	10/00/85	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA69

3810. USER FEES TO RECOVER AGENCY COSTS

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA70

3811. DOMESTIC RATE CASES - PROCEDURAL AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 841a; 46 USC app 843-848

CFR Citation: 46 CFR 502.67

Abstract: This action would amend 46 CFR 502.67 to take into account proceedings commencing after the effective date of rates.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	10/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA71

FEDERAL MARITIME COMMISSION (FMC) — Completed Actions

COMPLETED RULEMAKINGS

3812. PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES - CO-LOADING PRACTICES BY NVOCCS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702 to 1705; 46 USC app 1707; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 580

Abstract: Docket No. 84-27 - Non-Vessel Operating Common Carrier Tariff regulations are being revised and updated, especially for co-loading practices.

Timetable:

Action	Date	FR Cite
NPRM	07/25/84	49 FR 29980
NPRM Comment Period Begin	07/25/84	49 FR 29980
NPRM Comment Period End	09/24/84	
Final Rule	04/15/85	50 FR 14704
Deferral of effective date	05/14/85	50 FR 20103
Final Action	08/06/85	50 FR 31720
Final Action Effective	09/05/85	50 FR 31720

Small Entity: No

Agency Contact: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5796**

RIN: 3072-AA29

3813. FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 552

Abstract: In order to better process filings of financial reports by domestic carriers under the Intercoastal Shipping Act, 1933 and to eliminate conflicting requirements, this action conforms reports filed at the Commission with the format of those filed at the Maritime Administration. (Docket 85-17)

Timetable:

Action	Date	FR Cite
NPRM	06/03/85	50 FR 23318
NPRM Comment Period Begin	06/03/85	50 FR 23318
NPRM Comment Period End	07/03/85	
Final Action	08/08/85	50 FR 32068
Final Action Effective	09/09/85	50 FR 32068

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA47

3814. MARINE TERMINAL AGREEMENTS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 814; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1705; 46 USC app 1706; 46 USC app 1715 to 1716

CFR Citation: 46 CFR 516, (New); 46 CFR 558 to 560; 46 CFR 572

Abstract: The Shipping Act of 1984 created new procedures for agreements required to be filed with the Commission. This action institutes a new part 516 to accommodate terminal agreements which may involve both domestic and foreign commerce and establish exemptions for those types of terminal agreements which are not likely to have anti-competitive effects. (Docket 85-10)

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13617
NPRM Comment Period Begin	04/05/85	
NPRM Comment Period End	05/10/85	
Correction	05/10/85	50 FR 19727
Final Action	10/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Additional Information: This action treats one of the issues in former Docket 83-38 Notice of Inquiry and Intent to Review Regulation of Ports and Marine Terminal Operators (RIN - 3072-AA30).

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA48

3815. ELECTRONIC FILING OF TARIFFS BY COMMON CARRIERS IN THE FOREIGN AND DOMESTIC OFFSHORE COMMERCE OF THE UNITED STATES

Legal Authority: 5 USC 553; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1715

CFR Citation: 46 CFR 550.2; 46 CFR 550.3; 46 CFR 580.2; 46 CFR 580.3

Abstract: This action in Docket 84-35 provides that electronic tariff filing, now in operation, may be transmitted to commercial offices located outside of the Commission's offices under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40940
NPRM Comment Period Begin	10/18/84	
NPRM Comment Period End	11/19/84	
Final Action	03/19/85	50 FR 10966

FMC

Completed Actions

Action	Date	FR Cite
Final Action Effective	04/18/85	50 FR 10966

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA49

3816. GUIDELINES FOR ACTION ON AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1715 to 1717

CFR Citation: 00 CFR None

Abstract: The Commission is considering the publication of guidelines to clarify the types of agreements and situations which would occasion Commission action on agreements for the enlightenment of the shipping industry.

Timetable:

Action	Date	FR Cite
Withdrawn	07/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA51

3817. NON-VESSEL OPERATING COMMON CARRIERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 817; 46 USC app 841a; 46 USC app 1702; 46 USC app 1707; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 505; 46 CFR 550; 46 CFR 580; 46 CFR 582

Abstract: The Commission is considering problems peculiar to certain common carriers which do not operate vessels including tariff malpractices and lack of financial responsibility. This action could result in rules to correct these problems.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review No Action	07/01/85	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA54

3818. MISCELLANEOUS MODIFICATIONS TO EXISTING AGREEMENTS - EXEMPTION

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572.307; 46 CFR 572.605

Abstract: The amendments to 46 CFR 572 exempt from the Information Form, notice and waiting period requirements, agreement modifications which provide for cancellations of agreements or reflect changes in conference membership, officials of agreements, and neutral body authority or procedures. Copies of such modifications must still be submitted to the Commission for information purposes. (Docket 85-4)

Timetable:

Action	Date	FR Cite
NPRM	02/08/85	50 FR 5401
NPRM Comment Period Begin	02/08/85	50 FR 5402
NPRM Comment Period End	03/11/85	
Final Action	04/29/85	50 FR 16703
Final Action Effective	04/29/85	50 FR 16703

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5866**

RIN: 3072-AA56

[FR Doc. 85-21506 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part LIII

Federal Reserve System

Semiannual Regulatory Agenda

FRS

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this Agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from October 1, 1985 through April 1, 1986. The next Semiannual Agenda will be published in April 1986.

DATE: Comments about the form or content of the Agenda may be submitted any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its October 1985 Agenda as part of the October 1985 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's Agenda is divided into three sections. The first, Current and Projected Rulemakings, reports on regulatory matters that have been proposed and are under Board consideration, and other regulatory matters (designated by a plus sign (+)) the Board may consider for public comment during the next six months. The second section, Existing Regulations Under Review, reports on any major regulatory reviews under the Board's Regulatory Improvement Project that are scheduled for the next 12 months. A third section, Completed Rulemaking, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous Agenda, and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3819	Regulation: B - Equal Credit Opportunity (Docket Number: R-0541)	7100-AA28
3820	+Regulation: D - Reserve Requirements of Depository Institutions and Regulation: Q - Interest on Deposits	7100-AA57
3821	Regulation: J - Collection of Checks and Other Items and Wire Transfers of Funds	7100-AA55
3822	Regulation: K - International Banking Operations (Docket Number: R-0550)	7100-AA58
3823	Regulation: Q - Interest on Deposits (Docket Number: R-0514)	7100-AA36
3824	+Regulation: Q - Interest on Deposits	7100-AA56
3825	+ Regulation: U - Credit by Banks For The Purpose of Purchasing or Carrying Margin Stocks (Docket Number: R-0510)	7100-AA38
3826	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0511)	7100-AA17
3827	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0491)	7100-AA40
3828	+ Regulation: Y - Bank Holding Companies and Change in Bank Control	7100-AA41
3829	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0537)	7100-AA52
3830	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0536)	7100-AA51
3831	Regulation: Z - Truth in Lending (Docket Number R-0545)	7100-AA50
3832	Further Proposals to Reduce Risks on Large-Dollar Wire Transfer Systems (Docket Number: R-0515A, R-0515B, R-0515C)	7100-AA59

+Indicates regulatory matter the Board may consider for public comment.

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
3833	Regulatory Improvement Project	7100-AA14

FRS

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3834	Regulation: F - Securities of State Member Banks	7100-AA32
3835	Regulation: G - Securities Credit by Persons other than Banks, Brokers, or Dealers (Docket Number: R-0529)	7100-AA54
3836	Regulation: K - International Banking Operations (Docket Number: R-0498)	7100-AA35
3837	Regulation: K - International Banking Operations (Docket Number: R-0520)	7100-AA44
3838	Regulation: T - Credit by Brokers and Dealers (Docket Number: R-0538)	7100-AA53
3839	Regulations: Y - Bank Holding Companies and Change in Bank Control; Regulation: H - "State Bank Membership"; and Rules of Practice for Hearings (Docket Number: R-0526)	7100-AA45
3840	Regulation: AA - Unfair or Deceptive Acts or Practices (Docket Number: R-0006)	7100-AA42
3841	Regulation: AA - Unfair or Deceptive Acts or Practices	7100-AA49
3842	Regulation: Equal Employment Opportunity (Docket Number: R-0527)	7100-AA46
3843	Policy Statement on Risks on Large-Dollar Transfer Systems (Docket Number: R-0515)	7100-AA47

FEDERAL RESERVE SYSTEM (FRS)

Current and Projected Rulemakings

3819. REGULATION: B - EQUAL CREDIT OPPORTUNITY (DOCKET NUMBER: R-0541)

Legal Authority: 15 USC 1691b Equal Credit Opportunity Act

CFR Citation: 12 CFR 202

Abstract: In March 1985, the Board published for comment proposed revisions to Regulation B (50 FR 10890, March 18, 1985). The proposal stems from the Board's commitment to review its regulations every five years. The review of Regulation B focussed on how the regulation could be clarified, and whether any burdens on creditors could be reduced without diminishing consumer protections.

The proposal contains some technical changes, including a streamlined procedure dealing with incomplete applications and a broader selection of sample forms for informing applicants of the reasons for a credit denial. The proposal also would change the data notation requirements applicable to residential mortgage transactions and revise the definition of "applicant" to give a guarantor (who already has certain protections under Regulation B) legal standing in the courts when there is an alleged violation of the regulation. The Board is also publishing for comment an official staff commentary that would replace existing staff and Board Interpretations.

The proposal would apply to all creditors equally. Small (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/21/83	48 FR 28285
Propose specific revisions for comment	03/18/85	50 FR 10890
Further Board action by	10/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT:creditors will incur some additional burden in complying with the expanded monitoring data requirements, but the shortening of the regulation and the clarification and streamlining of other rules such as treatment of incomplete applications, should reduce some burdens and the addition of a staff commentary and sample notice forms should make compliance easier for small creditors.

The Board will review the comments and take further action within the next two months.

Agency Contact: **John Wood**, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-2412**

RIN: 7100-AA28

3820. ● +REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS AND REGULATION: Q - INTEREST ON DEPOSITS

Legal Authority: 12 USC 371b; 12 USC 461(b)

CFR Citation: 12 CFR 204; 12 CFR 217

Abstract: On March 31, 1986, the authority transferred to the Depository Institutions Deregulation Committee expires, and interest paid on deposits will generally no longer be subject to regulation. The Board will consider amending its Regulations D and Q to reflect this expiration and to make other technical changes. It is expected that any changes in the regulations will not have a significant adverse effect on small entities.

Timetable:

Action	Date	FR Cite
Board will consider issuing for comment a proposal to amend Regulations D and Q by	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Daniel L. Rhoads, Attorney, Legal Division, (202) 452-3711.

Agency Contact: **John Harry Jorgenson**, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3778**

RIN: 7100-AA57

3821. REGULATION: J - COLLECTION OF CHECKS AND OTHER ITEMS AND WIRE TRANSFERS OF FUNDS

Legal Authority: 12 USC 342 Federal Reserve Act; 12 USC 248(o) Federal Reserve Act; 12 USC 360 Federal Reserve Act; 12 USC 248(i) Federal Reserve Act

CFR Citation: 12 CFR 210

Abstract: In March 1985, the Board issued for public comment proposed amendments to Regulation J intended to clarify certain issues that have arisen regarding Federal Reserve payments mechanism activities (50 FR 12310, March 28, 1985). The proposed amendments include (1) permitting the owner or other subsequent holder injured by a Reserve Bank's alleged failure to exercise ordinary care in handling a check to bring suit against the Reserve Bank; (2) establishing a two-year limitation for actions against a Reserve Bank for alleged mishandling of the collection of checks or processing wire transfers and for actions against payor institutions for failure to follow the notification of nonpayment requirements; (3) permitting Reserve Banks to require any prior indorser to defend a suit even if the Reserve Bank has not been sued directly; (4) authorizing depository institutions to deposit with Reserve Banks for collection checks drawn on institutions in foreign countries where Reserve Banks have made arrangements for their collection; (5) clarifying that Reserve Banks are not liable for consequential damages in handling wire transfers; (6) adding the northern Mariana Islands to the Twelfth (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	03/28/85	50 FR 12310
Further Board action by	10/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: District for check collection purposes; and (7) clarifying the definitions in subpart A by incorporating by reference definition of the Uniform Commercial Code.

It is not expected that the proposals will have a significant economic impact on a substantial number of small entities. The Board will review the public comments and take further action within the next two months.

Agency Contact: Joseph R. Alexander, Attorney, Federal Reserve System, Legal Division, **202 452-2489**

RIN: 7100-AA55

3822. ● REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0550)

Legal Authority: 12 USC 611 et seq

CFR Citation: 12 CFR 211

Abstract: In August 1985, the Board published for comment proposed regulations that would restrict lending by an Edge Corporation to its affiliates where the Edge Corporation is not subject to the restrictions of section 23A of the Federal Reserve Act (12 USC 371c) by virtue of being owned by a U.S. insured bank (Federal Register cite unavailable). In taking this action, the Board noted the increasing number of owners of Edge Corporations that are not subject to federal banking supervision and the potential adverse effects that might result from such affiliations, such as the impairment of the Edge's ability to act as an impartial arbiter of credit. The Board requested comment on the effect of the proposal on existing Edge Corporations, especially those owned by foreign banks and whether any exemptions from the restrictions are appropriate.

It is not expected that the proposal would have a significant economic impact on a substantial number of small businesses, because it applies only to organizations involved in international banking. The Board will review the public comments and take further action within the next six months.

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation K	08/14/85	
Further Board action by	02/00/86	

Small Entity: No

Agency Contact: Kathleen O'Day, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3786**

RIN: 7100-AA58

3823. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER: R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Abstract: In March 1984, the Board proposed amendments to its rules concerning advertising interest on deposits to incorporate a policy statement concerning advertisements for split rate time deposits and for deposits used as Individual Retirement Account (IRA) investments (49 FR 11642, March 27, 1984). Under the proposal, in the case of a split rate account where a schedule of fixed rates to be paid is established in advance and the first rate to be paid is higher than subsequent rates, the Board would regard any advertisement of a rate as misleading unless the advertisement includes each rate to be paid in equal size type together with a conspicuous statement as to how long each rate will be in effect and a conspicuous statement of the average effective annual yield. In addition, advertisements should refer to IRAs as "tax deferred" and not as "tax exempt" or "tax free." The proposal would not adversely affect small businesses because no additional reporting or recordkeeping requirements are imposed.

The Board will review the public comments and is expected to take further action at the same time it considers updating (cont)

Timetable:

Action	Date	FR Cite
Board proposed amendments	03/27/84	49 FR 11642
Next Board action by	10/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: and incorporating all the Board's existing requirements governing advertisement of interest on deposits. (See RIN: 7100-AA56).

Agency Contact: Daniel L. Rhoads, Attorney, Federal Reserve System, Legal Division, **202 452-3711**

RIN: 7100-AA36

3824. +REGULATION: Q - INTEREST ON DEPOSITS

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Abstract: In March 1984, the Board proposed amendments to its rules concerning advertising interest on deposits to incorporate a policy statement regarding advertisements for split-rate time deposits and for deposits used as Individual Retirement Account investments. (See entry RIN: 7100-

AA36). In response to comments received in that proceeding, the Board may consider whether to propose amending Regulation Q further in order to update and incorporate all the Board's existing requirements governing advertisement of interest on deposits. The Board might also request comment on whether additional requirements are necessary to provide depositors with accurate and adequate information in advertisements or at the time of opening an account. It has been suggested by some that such new requirements should be imposed to enable depositors to evaluate the many deposit options now available as a result of deregulation of interest rates. If the Board proposes any new rules, they are not likely to be severe nor to require reporting or recordkeeping. Therefore, it is expected that any such proposals would not have a significant adverse effect on small entities.

Timetable:

Action	Date	FR Cite
Board will consider issuing for comment a proposal to amend Regulation Q by	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Daniel L. Rhoads, Attorney, Legal Division, (202) 452-3711

Agency Contact: **John Harry Jorgenson**, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3778**

RIN: 7100-AA56

3825. + REGULATION: U - CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS (DOCKET NUMBER: R-0510)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 221

Abstract: In 1985 or 1986, the Board may review a proposal submitted on behalf of a banking institution calling for an amendment to Regulation U that would permit banks to extend credit for options transactions in the same manner that broker-dealers may do so under Regulation T (Credit by Brokers and Dealers). In particular, the petitioner has requested the Board to change, if necessary, what is perceived to be a regulatory disparity between the treatment of banks and broker-dealers with respect to the financing of options transactions. This action may not be necessary if litigation upholds recent Securities and Exchange Commission Rule 3b-9 (17 CFR 240.3b-9), effective January 1, 1986, which requires a bank to conduct these activities through a broker-dealer subject to Regulation T.

It is not anticipated that this proposal would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review a proposal to amend Regulation U by	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Susan S. Meyers, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452-2781.

Agency Contact: **Laura Homer**, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, **202 452-2781**

RIN: 7100-AA38

3826. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0511)

Legal Authority: 12 USC 1843(c)(8) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In March 1984, the Board proposed for public comment an amendment to Regulation Y that would list certain additional nonbanking activities as generally permissible for bank holding companies under section 4(c)(8) of the Bank Holding Company Act and in which bank holding companies may seek Board approval to engage (49 FR 9215, March 12, 1984). The activities proposed to be included in Regulation Y for the first time include: 1. commodity trading advisory services; 2. check guaranty services; 3. consumer financial counseling; 4. armored car services; 5. tax planning and tax preparation; and 6. operating a credit agency and credit bureau.

Consumer financial counseling, check guaranty services and limited types of tax preparation have been permitted previously by Board order on individual applications.

In addition the Board has proposed to expand the activities of property appraisal and providing advice in connection with future commission merchant activities. These activities have been included previously in the list of permissible activities (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	03/12/84	49 FR 9215
Further Board action by	01/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: in Regulation Y, although in a more restricted manner.

The Board has also proposed to define and clarify the insurance agency and underwriting activities generally permissible for bank holding companies so as to conform the regulation to Title VI of the Garn-St. Germain Depository Institutions Act, which was adopted in October 1982.

Adoption of the proposal would enable bank holding companies to engage in additional activities and would impose no additional burden on any bank holding company.

The Board will review the comments and is expected to take further action within the next four months.

Agency Contact: **James Scott**, Attorney, Federal Reserve System, Legal Division, **202 452-3513**

RIN: 7100-AA17

3827. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0491)

Legal Authority: 12 USC 1843(c)(8) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In November 1983, the Board published for comment a proposal to eliminate the requirement in Regulation Y that bank holding companies engaging in credit life and credit

accident and health insurance underwriting provide rate reductions or increased policy benefits in order to engage in this activity (48 FR 53125, November 25, 1983.) The Board took this action as a result of the suggestions of several commenters to the Board's recent revision of Regulation Y, who advocated elimination of the rate reduction requirement from the regulation. These commenters stated that in their view the requirement puts bank holding companies at a competitive disadvantage with respect to other providers of this service, and that the potential adverse effects on the public that prompted the Board to impose this condition in 1972 have not been realized. This proposal, if adopted, would relax the regulatory requirements on bank holding companies which engage in this activity.

The Board will review the public comments and is expected to take further action within the next four months.

Timetable:

Action	Date	FR Cite
Board requested comment	11/25/83	48 FR 53125
Further Board action by	01/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Michael J. O'Rourke, Attorney, Legal Division, (202) 452-3288.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA40

3828. + REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: A provision of Regulation Y permits a state bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under state law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

The Board plans to review this provision of the regulation in the near future. A determination to reverse the rule could have an adverse impact on many small banks that are subsidiaries of holding companies because they might be required to (cont)

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Board will review further by	04/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: restructure their nonbanking activities or to take other action.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA41

3829. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0537)

Legal Authority: 12 USC 1841 Bank Holding Company Act; 12 USC 221 Federal Reserve Act; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225

Abstract: In January 1985, the Board requested public comment regarding whether, and to what extent, the Board should exercise its authority under the Bank Holding Company Act, the Federal Reserve Act, and the International Lending Supervision Act to authorize or limit the conduct of real estate investment activities by bank holding companies and their nonbank subsidiaries (50 FR 4519, January 31, 1985). The Board has not proposed a specific regulation at this time, and has only requested comment on the general question of whether, and in what direction Board regulation in this area is appropriate. In the event the Board determines to propose a regulation in this area, the public will be invited to comment on the regulation. Comment in this area was requested in response to enactment of a number of state laws that have recently authorized state banks to conduct a broad array of nonbanking activities that previously were not authorized for state banks or bank holding companies, including real estate investment activities. Until the Board reviews the public comments on this activity, it is unclear whether the Board will act in this area or (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/31/85	50 FR 4519
Further Board action by	11/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: what specific action the Board may take. Therefore, the effect on small entities cannot be accurately predicted. However, if the Board should take restrictive measures, bank holding companies of all sizes and their subsidiaries participating in this activity would be affected.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA52

3830. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0536)

Legal Authority: 12 USC 1841 et seq Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In January 1985, the Board requested public comment as to whether the Board should permit bank holding companies that own nonbank banks to provide internal administrative services to, and establish management interlocks with, those nonbank banks (50 FR 2057,

January 15, 1985). ("Nonbank banks" are institutions that are chartered as banks but which either do not accept demand deposits or do not make commercial loans.) The Board took this action to resolve a number of questions that had been raised regarding the appropriate scope of relationships between nonbank banks and their affiliates. It is likely that any action the Board might take would primarily affect larger bank holding systems and would relax a requirement or prohibition. Therefore, it is expected that any Board action would not have a significant economic impact on a substantial number of small entities.

In view of recent court decisions holding that nonbank banks violate the National Bank Act and the Bank Holding Company Act in certain circumstances, the Board has suspended further consideration of nonbank bank applications by bank holding companies pending (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	01/15/85	50 FR 2057
Awaiting Court Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: definitive resolution of the status of these entities by Congress or the Supreme Court. Final action on the proposal for public comment thus is not likely until the underlying issue of the legality of nonbank banks is resolved.

Agency Contact: **Melanie Fein**, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3594**

RIN: 7100-AA51

3831. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER R-0545)

Legal Authority: 15 USC 1604, as amended Truth in Lending Act

CFR Citation: 12 CFR 226

Abstract: Regulation Z currently requires that creditors provide information to consumers regarding variable rate features in credit transactions. In the last several years, adjustable rate mortgages have become increasingly common and complex, and concern has been expressed in Congress and elsewhere as to whether Truth in Lending disclosures adequately convey to consumers the terms and potential costs of these mortgages.

The Board has proposed that creditors make more extensive disclosure of the variable rate feature in transactions secured by the consumer's home in order to provide consumers with the information needed for informed credit decisions, in keeping with the purpose of Truth in Lending (50 FR 20221, May 15, 1985). The proposal would amend the regulation to require that creditors make available to consumers general descriptive material about adjustable rate mortgages. The regulation would also be amended to require creditors to provide a more detailed description of their variable rate feature, together with an example showing the effect of a rate increase of two percentage points for each of the first three years of the transaction. (cont)

Timetable:

Action	Date	FR Cite
Board proposed amendment	05/15/85	50 FR 20221
Further Board action by	10/30/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: Finally, the proposal would eliminate a provision of the regulation that currently permits creditors to substitute the disclosure required by other federal agencies for those called for in Regulation Z. The Board is concerned about the creditor burdens associated with compliance with the overlapping and duplicative disclosures in this area, and believes that elimination of that provision could encourage further movement among the agencies toward developing uniform disclosure requirements.

If the Board adopts this proposal, mortgage creditors, including small business engaged in mortgage lending, could incur some costs in implementing the revised disclosure by providing the general descriptive material, revising and reprinting forms, and changing certain procedures to comply with the requirement. Before any final action, the Board would consider appropriate actions to minimize the burdens and costs of compliance.

The Board will review the public comments and take further action within the next two months.

Agency Contact: **Susan Werthan**, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3667**

RIN: 7100-AA50

3832. ● FURTHER PROPOSALS TO REDUCE RISKS ON LARGE-DOLLAR WIRE TRANSFER SYSTEMS (DOCKET NUMBER: R-0515A, R-0515B, R-0515C)

Legal Authority: 12 USC 221 et seq

CFR Citation: 00 CFR None

Abstract: In May 1985, the Board adopted a statement of its policy on reducing risks on large-dollar wire transfer systems (50 FR 21120, May 22, 1985) (see RIN: 7100-AA47). The Board determined, however, that certain aspects of this topic require further study and issued the following three requests for comments: (1) Book-entry securities transfer (R-0515A). In formulating its policy on risk reduction, the Board has been concerned about the impact that overdraft restrictions could have in the U.S. government securities market, which is vital to the conduct of monetary policy and the funding of the federal debt. Consequently, the Board has exempted daylight overdrafts resulting from the transfer of such securities from these restrictions. Instead, the Board is seeking comment on a proposal to reduce risks associated with transfers of book-entry securities that would require institutions to choose between treating book-entry related overdrafts the same as funds overdrafts or pledging collateral to secure book-entry overdrafts. (2) Automated Clearing Houses (R-0515B). The Board has previously regarded automated clearing house (ACHs) as (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	05/22/85	50 FR 21130
Board extended comment period until	09/30/85	
Further Board action by	06/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: low-dollar networks. Recently, however, ACHs have begun processing large-dollar payments, thus presenting many of the same risks as large-dollar networks. Accordingly, the Board is

requesting comment on risks associated with ACH payments and how such risks can be controlled. (3) Net Settlement Arrangements (R-0515C). The Board did not consider risks associated with the many net settlement services offered by the Federal Reserve (ATM, POS, check, and credit cards). The Board has determined to consider these risks, and requested comment on various aspects of these services and the risks they entail, to aid it in its study. It is not expected that these proposals, if adopted, would have a significant economic impact on a substantial number of small entities, because small entities do not usually participate in large-dollar wire transfer systems. The Board will review the public comments and take further action within the next ten months.

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, **202 452-3368**

RIN: 7100-AA59

FEDERAL RESERVE SYSTEM (FRS) — Existing Regulations Under Review

3833. REGULATORY IMPROVEMENT PROJECT

Legal Authority: 12 USC 3501 Financial Regulation Simplification Act of 1980; 5 USC 605 Regulatory Flexibility Act

CFR Citation: 00 CFR None

Abstract: The Board's Regulatory Improvement Project involves, among other things, a substantive, zero-based review of all Federal Reserve regulations that affect the public to determine: (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation. The Project also participates in the development of proposals listed in this agenda to ensure that the objectives of the Project are met.

Since publication of the last semiannual Agenda, comments from the public on the proposed revision of Regulation B ("Equal Credit Opportunity") have been reviewed by the staff; and the revision should be finalized in the Fall. (See Entry RIN 7100-AA28). Also, the proposed revision of Regulation K ("International Banking Operations") has been adopted with some changes. (See Entry RIN 7100-AA44). In addition, zero-based reviews have been commenced on Regulation N--"Relations (cont)

Timetable:

Action	Date	FR Cite
ANPRM Regulation B	06/21/83	48 FR 28285
Revision of Regulation B proposed for comment	03/18/85	50 FR 10889
Revision of Equal Employment Opportunity Regulation adopted	05/02/85	50 FR 18767
Revision of Regulation K adopted	08/14/85	
Further Board action on Regulation B by	10/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: with Foreign Banks and Bankers" (12 CFR 214) and the Board's "Rules Regarding Availability of Information" (12 CFR 261). Consideration will also be given to commencing within the next twelve months the zero-based reviews of the following regulations: P--"Minimum Security Devices and Procedures" (12 CFR 216); Q--"Interest on Deposits" (12 CFR 217); R--"Relations with Dealers in Securities under Section 32, Banking Act of 1933" (12 CFR 218); and AA--"Unfair or Deceptive Acts or Practices" (12 CFR 227).

Commenters are invited to submit any suggestions they may have for possible changes in this regulatory agenda for the next twelve months.

Agency Contact: Barbara R. Lowrey, Associate Secretary, Federal Reserve System, Office of the Secretary, **202 452-3742**

RIN: 7100-AA14

FEDERAL RESERVE SYSTEM (FRS) — Completed Actions

COMPLETED RULEMAKINGS

3834. REGULATION: F - SECURITIES OF STATE MEMBER BANKS

Legal Authority: 15 USC 78(l) Securities Exchange Act of 1934

CFR Citation: 12 CFR 206

Abstract: The April 1985 Agenda referred to a possible proposal to amend Regulation F to conform that regulation with a series of recent changes in the securities disclosure regulations of the Securities and Exchange Commission. Pursuant to section 12(i) of the Securities Exchange Act of 1934, the Board is required to periodically update its securities disclosure regulations to make them substantially identical to comparable regulations of the Securities and Exchange Commission or to publish reasons why they should not be so revised.

It is not expected that the Board will consider this matter during the next six months.

Timetable:

Action	Date	FR Cite
Board action not expected during next six months	08/27/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: J. Virgil Mattingly, Deputy General Counsel, Legal Division, (202) 452-3430.

Agency Contact: Walter McEwen, Attorney, Federal Reserve System, Legal Division, **202 452-3321**

RIN: 7100-AA32

3835. REGULATION: G - SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS (DOCKET NUMBER: R-0529)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 207

Abstract: In March 1985, the Board proposed for public comment, an amendment to Regulation G that would provide an exemption for lenders subject to that regulation who make loans to qualified employee stock ownership plans (ESOPs) (50 FR 10972, March 19, 1985). At the same time the Board asked for comment as to whether Regulation T should also be amended to provide a comparable exception for brokers and dealers. In June 1985, the Board adopted amendments to regulations G and T after receiving favorable comments on the proposals (50 FR 26354, June 19, 1985). The effect of those amendments is to permit the lending to ESOPs on a "good faith" basis instead of under the usual margin requirements. As adopted by the Board, these exemptions parallel one already provided to lenders subject to Regulation U (Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks). It is not anticipated that the amendments will have a substantial impact on a significant number of small firms.

Timetable:

Action	Date	FR Cite
Board requested comment	03/19/85	50 FR 10972
Board adopted amendments	06/19/85	50 FR 26354

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Susan Meyers, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452-2781.

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div of Banking Supervision and Regulation, **202 452-2781**

RIN: 7100-AA54

3836. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0498)

Legal Authority: 12 USC 3901 et seq International Lending Supervision Act, 1983

CFR Citation: 12 CFR 211

Abstract: In February and March 1984, the Board adopted regulations implementing the International Lending Supervision Act of 1983 (Title IX, Pub. L. 98-181) with respect to maintenance of reserves against certain international assets, disclosure of information on international assets, and accounting rules for fees on certain international loans. In publishing these regulations the Board requested comment on whether and to what extent the Act should apply to U.S. branches, agencies, and commercial lending company subsidiaries of foreign banks. By action of February 13, 1984 (49 FR 5587, 5591), the Board left open the comment period on this issue in order to allow for further public comment.

It is not expected that the Board will take action on these issues in the near future. If the Board takes action on these issues it will do so only after a new notice is published for comment.

Timetable:

Action	Date	FR Cite
Board adopted regulations implementing the International Lending Supervision Act of 1983	02/13/84	49 FR 5591
Board adopted additional regulations	03/29/84	49 FR 12192
No further action expected in near future	08/27/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Kathleen O'Day, Senior Counsel, Legal Division, (202) 452-3786.

Agency Contact: Michael G. Martinson, Projects Manager-International Activities, Federal Reserve System, Div of Banking Supervision and Regulation, **202 452-3621**

RIN: 7100-AA35

3837. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0520)

Legal Authority: 12 USC 601 to 604a; 12 USC 611 et seq; 12 USC 1841 et seq

CFR Citation: 12 CFR 211

Abstract: In August 1985, the Board adopted final revisions (Federal Register cite unavailable) to its Regulation K governing the international operations of U.S. banking organizations. The revisions had been proposed for comment in June 1984. The review and revision of the regulation were undertaken pursuant to a provision of the International Banking Act of 1978 which requires a review every five years of the rule governing Edge Corporations.

In order to improve the competitive position of Edge Corporations, the Board adopted one of the several alternatives that were proposed to enable Edge Corporations to provide a broader range of banking services than is currently permitted. The revision permits an Edge Corporation to lend for any purpose to a company that by its charter or license must engage only in international business. The Board also left this proposal open for comment with respect to a procedure permitting certification of other companies to which an Edge may lend for any purpose. Other major revisions include an increase in the Edge Corporation lending limit; relaxation of the limits on investments in (cont)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation K	06/25/84	49 FR 26002
Comment period extended until	10/12/84	49 FR 33895
Board adopted revisions	08/14/85	

Small Entity: No

Additional Information: ABSTRACT CONT: other organizations; establishment of procedures governing a change in control of an Edge

Corporation; and several provisions governing U.S. operations of foreign banks. The Board also deferred consideration of a proposal to conform Edge capital standards to those of state member banks.

It is not expected that the revisions would have a significant economic impact on a substantial number of small businesses.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3786**

RIN: 7100-AA44

3838. REGULATION: T - CREDIT BY BROKERS AND DEALERS (DOCKET NUMBER: R-0538)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Abstract: In June 1985, the Board adopted an amendment to Regulation T that would set the initial margin requirement for the writing of options on equity securities at the same level as the maintenance margin that is required by the national securities exchange or association and that has been approved by the Securities and Exchange Commission (50 FR 26355, June 26, 1985). This would replace the margin requirement for these instruments set at 30 percent of the value of the underlying securities plus any unrealized loss or minus any unrealized gain. When effective, the new margin for writing options on equity securities will be similar to that of the writing of other options; that is, the initial margin will be identical to that of the Securities and Exchange Commission approved maintenance margin. It is not anticipated that this amendment will have a significant impact on a substantial number of small firms. The amendment consolidates existing provisions into a single rule and adds a provision to cover options not effected on exchange or association facilities.

Timetable:

Action	Date	FR Cite
Board requested comment	02/12/85	50 FR 5766
Board adopted amendments	06/26/85	50 FR 26355

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Martha Scanlon, Economist, Division of Research and Statistics, (202) 452-3633.

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, **202 452-2781**

RIN: 7100-AA53

3839. REGULATIONS: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL; REGULATION: H - "STATE BANK MEMBERSHIP"; AND RULES OF PRACTICE FOR HEARINGS (DOCKET NUMBER: R-0526)

Legal Authority: 12 USC 3907 International Lending Supervision Act of 1983; 12 USC 3903 International Lending Supervision Act of 1983; 12 USC 1844(b) Bank Holding Company Act; 12 USC 1818 Financial Institutions Supervisory Act of 1966; 12 USC 248 Federal Reserve Act; 12 USC 324 Federal Reserve Act; 12 USC 329 Federal Reserve Act

CFR Citation: 12 CFR 208.13; 12 CFR 225, Appendix A; 12 CFR 263.35

Abstract: In April 1985, the Board adopted amended Capital Adequacy Guidelines for bank holding companies and State member banks as well as a regulation embodying procedures to enforce these Guidelines (50 FR 16057, April 24, 1985). The amended Guidelines were adopted pursuant to the International Lending Supervision Act of 1983, which requires that the Board "cause banking institutions to achieve and maintain adequate capital." The Guidelines establish uniform minimum capital levels for all federally regulated banks (in conjunction with the Federal Deposit Insurance Corporation and the Comptroller of the Currency). The Guidelines also raise the minimum capital requirements for larger regional and multinational state member banks and bank holding companies, and establish a uniform minimum capital level for large and small banks and bank holding companies. The impact on small institutions is a slight easing of minimum primary capital requirements.

Timetable:

Action	Date	FR Cite
Board requested comment	07/30/84	49 FR 30317
Board adopted Guidelines	04/24/85	50 FR 16057

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Richard Spillenkothen, Assistant Director, Division of Banking Supervision and Regulation, (202) 452-2594.

Agency Contact: James E. Scott, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3513**

RIN: 7100-AA45

3840. REGULATION: AA - UNFAIR OR DECEPTIVE ACTS OR PRACTICES (DOCKET NUMBER: R-0006)

Legal Authority: 15 USC 57a Federal Trade Commission Act

CFR Citation: 12 CFR 227

Abstract: The Federal Trade Commission (FTC) Act requires that whenever the FTC enacts a rule covering unfair or deceptive acts or practices, the Federal Reserve Board must, within 60 days of the rule's effective date, promulgate a substantially similar rule governing banks. The Board may decline to issue such a rule only if the Board determines that such acts or practices of banks are not unfair or deceptive or that implementation of the rule with respect to banks would seriously conflict with essential monetary and payment systems policies of the Board.

In March 1984, the FTC published a trade regulation rule known as the Credit Practices Rule (49 FR 7740, March 1, 1984), which prohibits certain provisions that sometimes appear in consumer credit contracts to aid in the collection of unpaid debts. It also imposed certain specific disclosure and contractual requirements on creditors. The rule went into effect on March 1, 1985, and applies only to non-financial institution creditors.

When the FTC first published the proposed Credit Practices Rule in 1975, the Board published a substantially similar (cont)

Timetable:

Action	Date	FR Cite
FTC proposed Credit Practices Rule	04/00/75	40 FR 16347
Similar proposal published by Board	04/00/75	40 FR 19495
FTC adopted Credit Practices Rule	03/01/84	49 FR 7740

Action	Date	FR Cite
Board published similar proposal	11/30/84	49 FR 47041
Board adopted final rule	04/22/85	50 FR 16695

Small Entity: Yes

Additional Information: ABSTRACT CONT: proposal. The Board received public comments and made them available to the FTC. In November 1984, the Board published for comment a proposal substantially similar to the FTC's final Credit Practices Rule and requested comment on whether the FTC's rule should apply to banks. In April 1985, the Board adopted a final rule with an effective date of January 1, 1986 (50 FR 16695, April 22, 1985). Under the rule, commercial bank lenders including small banks, may incur some one-time costs in preparing and revising forms, and in changing certain procedures to comply with the rule.

Agency Contact: **Maureen P. English**, Section Chief, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3867**

RIN: 7100-AA42

3841. REGULATION: AA - UNFAIR OR DECEPTIVE ACTS OR PRACTICES

Legal Authority: 15 USC 57a Federal Trade Commission Act

CFR Citation: 12 CFR 227

Abstract: In November 1984, the Federal Trade Commission (FTC) published a final trade regulation rule on the sale of used motor vehicles, known as the "Used Car Rule," (49 FR 45692 November 29, 1984), effective May 9, 1985. In adopting the Used Car Rule, the FTC specifically excluded banks and other financial institutions from the rule's "dealer" definition. This conclusion was based upon the determination that banks do not engage in the sale of used motor vehicles in a retail sales environment, and, absent such an environment, the risk of the deceptive practices found to be characteristic of used car sales presentations was substantially diminished.

Generally, the Board is required by the Federal Trade Commission Act to issue a substantially similar rule for banks whenever the Commission adopts a final trade regulation rule under its authority to prohibit unfair or deceptive acts or practices. The Board has concluded, however, that since banks do not engage in the activity being regulated by the Commission -- the sale of used motor vehicles in a retail sales environment -- it is unnecessary to adopt a rule substantially similar to (cont)

Timetable:

Action	Date	FR Cite
FTC adopted the "Used Car Rule"	11/29/84	49 FR 45692
Board decided not to adopt rule	03/26/85	50 FR 11945

Small Entity: No

Additional Information: ABSTRACT CONT: the Commission's Used Car Rule, that would be applicable to banks (50 FR 11945, March 26, 1985).

Agency Contact: **Gerald Hurst**, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3667**

RIN: 7100-AA49

3842. REGULATION: EQUAL EMPLOYMENT OPPORTUNITY (DOCKET NUMBER: R-0527)

Legal Authority: 12 USC 244 Federal Reserve Act, Sec 10(4)

CFR Citation: 12 CFR 268

Abstract: In August 1984, the Board issued for public comment proposals to revise and expand its Equal Employment Opportunity regulation for the following purposes: (1) to conform the regulation insofar as possible to existing regulations of the Equal Employment Opportunity Commission governing the substantive rights of employees and applicants for employment with Federal agencies; (2) to designate clear responsibility for equal employment opportunity functions in light of changes in the Board's organizational structure; and (3) to prohibit discrimination against the handicapped in programs and activities conducted by the Board.

In April 1985, after reviewing and considering all public comments, the Board adopted a revised rule with an effective date of June 1, 1985 (50 FR 18767, May 2, 1985). This proposal will not have a significant economic impact on a substantial number of small entities since it focuses primarily on Board personnel and management policies and practices.

Timetable:

Action	Date	FR Cite
Board requested comment	08/24/84	49 FR 33822
Board issued final rule	05/02/85	50 FR 18767

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Stephen L. Siciliano, Special Assistant to the General Counsel, Legal Division, (202) 452-3920.

Agency Contact: **Portia Thompson**, EEO Programs Officer, Federal Reserve System, Office of Staff Director for Management, **202 452-3549**

RIN: 7100-AA46

3843. POLICY STATEMENT ON RISKS ON LARGE-DOLLAR TRANSFER SYSTEMS (DOCKET NUMBER: R-0515)

Legal Authority: 12 USC 221 et seq

CFR Citation: 00 CFR None

Abstract: In April 1984, the Board requested public comment on several proposals to reduce risks on large-dollar wire transfer systems (49 FR 13186, April 3, 1984). The Board took this action in response to its concern that developments that might arise in connection with such networks could destabilize financial markets and the economy. In May 1985, after reviewing the comments, the Board took the following actions: (1) effective March 27, 1986, no large-dollar payment network will be eligible for Federal Reserve net settlement services unless it (a) requires each participant to establish a limit on the net value of transfers that it will receive from each other participant; (b) establishes a limit on the net debit position of each participant that is reasonably designed to reduce risks to other participants on that network; (c) develops and implements a system that will reject any payment that would reach either such limit; and (d) agrees to provide transaction data to its Reserve Bank on request. (2) The Board also strongly encouraged each institution running daylight overdrafts on Fedwire or participating on a private large-dollar network to adopt voluntarily by December 31, 1985, a (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	04/03/84	49 FR 13186
Board extended comment period until	10/29/84	49 FR 24595
Board adopted policy	05/22/85	50 FR 21120

Small Entity: No

Additional Information: ABSTRACT CONT: cross-system limit on its net debit position following guidelines set out in an appendix to the Board's policy statement (50 FR 21120, May 22, 1985). Because large-dollar funds transfer systems are typically used frequently only by the largest financial institutions, it is not anticipated that the proposals would have a significant economic impact on a substantial number of small entities.

In addition to adopting a policy statement, the Board requested public comment on three additional proposals to reduce risk (see Entry 14).

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, **202 452-3368**

RIN: 7100-AA47

[FR Doc. 85-21507 Filed 10-28-85; 8:45am]

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federal register

Tuesday
October 29, 1985

Part LIV

Federal Trade Commission

Semiannual Regulatory Agenda

FTC

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected event reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the projected events included in this agenda.

Several agenda items concern proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for or on the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents judgments of the FTC staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented on the rulemaking record in the final consideration of each proceeding.

Agenda items include the projected timing of any future Commission action. In most instances the dates of future events are listed by month, not a specific day. Discovery of new information, changes in circumstances, or in the law may alter the information set forth in this agenda.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact responsible for a particular proceeding as listed in the agenda.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3844	Ophthalmic Practice Rules (formerly Eyeglasses II)	3084-AA03
3845	Health Spas	3084-AA06
3846	Amendment to Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
3847	Amendment to Labeling and Advertising of Home Insulation Rule	3084-AA09
3848	Mobile Home Sales and Service	3084-AA10
3849	Proprietary Vocational and Home Study Schools	3084-AA11
3850	Negative Option Rule	3084-AA33
3851	Care Labeling Rule	3084-AA34

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
3852	Pre-Sale Availability of Written Warranty Terms (Existing Regulation; Modifications under Consideration)	3084-AA15
3853	Retail Food Store Advertising and Marketing Practices	3084-AA17
3854	Cooling-Off Period for Door-to-Door Sales	3084-AA18
3855	Mail Order Merchandise	3084-AA19
3856	Review of the Premerger Notification Rules and Report Form	3084-AA23
3857	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24
3858	Franchising and Business Opportunities	3084-AA25
3859	Appliance Labeling Rule -- Energy Policy and Conservation Act	3084-AA26
3860	Informal Dispute Settlement Procedures	3084-AA30
3861	Octane Certification and Posting Rule--Petroleum Marketing Practices Act	3084-AA32

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3862	Hearing Aids	3084-AA07
3863	Standards and Certification	3084-AA13

FTC

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3864	Amendment to the Rules and Regulations Under the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act	3084-AA29
3865	Labeling and Advertising of Home Insulation Rule	3084-AA27

FEDERAL TRADE COMMISSION (FTC)

Current and Projected Rulemakings

3844. OPHTHALMIC PRACTICE RULES (FORMERLY EYEGLASSES II)

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 456, (Revision)

Abstract: The staff of the FTC's Bureau of Consumer Protection has identified several state and private restrictions on the delivery of eye care goods and services which may decrease consumer access to vision care services, increase the cost of those services, and impede the growth of alternative methods of organizing eye-care practices. The principal question the Commission is exploring is the impact of such restrictions on the price, quality and availability of vision care. The Commission's investigation has sought, through the development of empirical market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result. The primary impact of a rule on small businesses could stem from the increased competition in the vision care industry which can be anticipated as a result of deregulatory effect of the rule. Rule provisions removing certain restraints on commercial ophthalmic practice could enhance competition by permitting small entities (i.e., optometrists and opticians) to engage in alternate modes of practice; or to expand, should they desire to do so. The affirmative requirements of a rule could impose additional (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/01/80	45 FR 79823
ANPRM Comment Period Begin	12/01/80	
ANPRM Comment Period End	02/02/81	
NPRM	01/04/85	50 FR 598
NPRM Comment Period End	04/05/85	
Public Hearings Begin	05/20/85	
Public Hearings End	07/12/85	
Rebuttal Period Ends	09/18/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: record-keeping, postage, and photocopying costs. The alternatives to an FTC trade regulation rule include: a formal complaint against a professional association or an ophthalmic board alleged to have engaged in illegal acts or practices; a voluntary guide defining unfair acts or practices; legislative recommendations to Congress or to the States; or the release of a public report setting forth the findings of the staff. The Commission is postponing the Regulatory Flexibility Act review of the existing Advertising of Ophthalmic Goods and Services Trade Regulation Rule (Eyeglasses Rule) because that Rule will be modified by the current rulemaking. The Eyeglasses Rule requires eye doctors to furnish copies of spectacle prescriptions to consumers after eye examinations. The advertising portions of the Eyeglasses Rule are not in effect, pursuant to the decision in American Optometric Association v. FTC, 626 F. 2d 896 (D.C. Cir. 1980).The court in that case remanded the Eyeglasses Rule's advertising provisions for further consideration in light of the Supreme Court decision in Bates v. State Bar of Arizona, 433 U.S. 350 (1977).

Government Levels Affected: Local, State

Agency Contact: Renate Kinsheck, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-3377**

RIN: 3084-AA03

3845. HEALTH SPAS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 443, (New)

Abstract: The rule proposed at the outset of this proceeding would require that health spa membership contracts provide consumers with a right to cancel and receive a full refund during a three-day cooling-off period. If a seller's facilities are not yet fully operational, the consumer would have ten days to cancel after notice that the spa facilities are fully operational. After this period, the consumer would have a right to cancel by paying up to a 5 percent cancellation fee plus a pro-rated portion of the contract price. Other provisions of the proposed rule would prescribe the form of the cancellation notices, limit contracts to two years, and prohibit the receipt of more than 5 percent of the contract price from consumers if a spa is not fully operational and available for use at the time the contract is signed. All industry members would incur costs for printing new contracts in order to comply with the proposed rule. Membership cancellations attributable to the requirements of the proposed rule would adversely affect the cash flow of health spas. Consumers would benefit from the proposed rule's unlimited cancellation rights to the extent they are not currently (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/18/75	40 FR 34615
Presiding Officer's Report	04/00/79	
Staff Report	01/22/85	50 FR 2829
Written Comment Period On Staff Report Ends	06/07/85	
Staff Recommendation to Commission	11/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: granted by the industry. Alternatives under consideration include (1) a rule that would prohibit certain business practices by industry members and would require full disclosures of all ramifications of a health spa membership purchase; (2) changes in the nature of the refund requirement; (3) changes in other provisions of the rule; (4) case by case enforcement; and (5) consumer and business education. The proposed rule would have a significant economic impact on a substantial number of small entities by varying required contract terms and imposing monetary refund requirements where none presently exist.

Agency Contact: **Walter Gross**, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-3826**

RIN: 3084-AA06

3846. AMENDMENT TO TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Abstract: The objective of the proposed amendment is to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform when consumer sales are financed by third party creditors or purchase money lenders. The original rule requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans contain a provision that makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The proposed amendment would extend to creditors the obligation to ensure that credit contracts contain the required provision. Benefits from the proposed amendments may include improvement in the retail market due to increased scrutiny by creditors of the sellers with whom they do business and availability to consumers of additional claims and defenses against creditors. Some creditors may have increased costs associated with screening contracts and monitoring the reputations of retailers with whom they deal. Alternatives considered by the Commission include: rejection of the amendment; postponement of decision pending additional information on (cont)

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendment	11/18/75	40 FR 53530
Rule & Statement of Basis & Purpose	11/18/75	40 FR 53506
Final Notice of Proposed Amendment	02/05/76	41 FR 5305
Guidelines on TRR	05/14/76	41 FR 20022
Statement of Enforcement Policy	08/16/76	41 FR 34594
Open End Consumer Credit Contracts	09/16/77	42 FR 46509
Presiding Officer's Report	02/16/78	43 FR 6810
Staff Report	11/24/78	43 FR 54950
Tentative Cmsn Approval and Request for Comment	11/15/79	44 FR 65771
Staff Recommendation to Commission	11/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: compliance with the original rule; adoption of the amendment extending the rule to creditors and also making additional technical amendments. The amendment would shift some compliance costs from small businesses to creditors that control the contract form. Otherwise, because the existing rule already applies to retail sellers, the amendment should have no appreciable effect on other small businesses. The Regulatory Flexibility Act review for the original Holder-in-Due-Course Rule has been postponed, pending resolution of the proceeding to amend the rule.

Agency Contact: **Jonathan D. Jerison**, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 724-1160**

RIN: 3084-AA08

3847. AMENDMENT TO LABELING AND ADVERTISING OF HOME INSULATION RULE

Legal Authority: 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 460.10; 16 CFR 460.18; 16 CFR 460.19; 16 CFR 460, Appendix B

Abstract: The Commission's home insulation trade regulation rule became effective on September 29, 1980. Among other things, it requires advertisers to disclose specific additional information in advertisements or other promotional materials when they make energy savings claims about an insulation product or refer to the product's thickness, R-Value or price. The Commission temporarily stayed the effective date of those disclosure requirements as they applied to television ads pending completion of these amendment proceedings. The Commission has announced its intention to reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. (ANPR, 46 FR 47236, Sept. 25, 1981.) The TV ad disclosure requirements in the rule benefit consumers by ensuring that they have an opportunity to understand and evaluate claims that may otherwise lead to misguided purchasing decisions. The major cost to consumers is the possible displacement of other valuable information in advertisements by the required disclosures. The major cost to industry members is the (cont)

Timetable:

Action	Date	FR Cite
Final Rule Published	08/29/79	44 FR 50218

Action	Date	FR Cite
Rule Promulgated	08/31/79	
Temp. stay of certain requirements	08/15/80	45 FR 54702
Rule effective except requirmt stay	09/29/80	
ANPRM	09/25/81	46 FR 47236
Lift test requirement stay	08/24/82	47 FR 36806
Commission consideration of TV disclosure requirements	11/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: time necessary to make the required disclosures. Possible alternatives to the disclosure requirements include: amended disclosures or disclosure language; shortened disclosures; no disclosures; and different requirements as to the manner in which required disclosures must be made.

Agency Contact: **Kent Howerton**, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-8934**

RIN: 3084-AA09

3848. MOBILE HOME SALES AND SERVICE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 47(a) Federal Trade Commission Act

CFR Citation: 16 CFR 441, (New)

Abstract: Almost all mobile homes are sold with a manufacturer's warranty but many buyers may not receive adequate and timely service under the warranty. The rule would address possibly inadequate performance of mobile home warranties through a number of possible remedies: setting specific service deadlines, prohibiting exclusion of set-up and transportation from warranty coverage, requiring written service agreements between warrantors and their service agents, and requiring maintenance of service records. Compliance costs estimated by staff will be approximately $145 per home for most firms affected, and could be less, depending on what provisions are actually adopted. An estimated 20% of buyers would benefit by saving about $242 for warranty repairs they would otherwise not get; another 15% of buyers would have service time cut by an estimated 4 months. The incidence of warranted defects could be reduced, increasing the useful life of homes. Buyers could also receive better financing terms due to lowering the incidence of defects that diminish resale value. Consumers might benefit from better information, if warranties accurately reflected what service is included (cont)

Timetable:

Action	Date	FR Cite
Previous NPRM	05/29/75	40 FR 23334
NPRM	05/23/77	42 FR 26398
Presiding Officer's Report	09/11/79	
Staff Report	08/13/80	
Staff Recommendation to Commission	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: in the purchase price of the home. The proposed rule will have an impact on 200 mobile home manufacturers and 12,000 mobile home dealers, most of which are small businesses. There are alternatives to rule provisions. Instead of specific time deadlines for warranty repairs, manufacturers and dealers could set their own deadlines as long as they are disclosed in their warranties; instead of requiring manufacturers to disseminate consumer questionnaires, to monitor effectiveness of factory and dealer warranty repairs, manufacturers could select their own monitoring devices; some responsibilities and duties of the manufacturers may not be needed (e.g., pre-occupancy inspection, set-up and transportation damage).

Agency Contact: **Allen Hile**, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-1670**

RIN: 3084-AA10

3849. PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 438, (New)

Abstract: In 1979, the Second Circuit Court of Appeals set aside the rule as originally issued by the Commission, citing problems with some of the remedies that the rule provided to purchasers of proprietary vocational training. The Staff has prepared recommendations as to how the Commission should respond to the Court's decision. Alternatives under consideration include a rule that would give schools the option of providing either a strict pro rata refund remedy or a track record disclosure, a rule requiring some refunds but not on a strict pro rata basis, and a rule with no refund requirements at all. Alternatives to rulemaking include case-by-case enforcement, and FTC intervention before other state and federal agencies having jurisdiction over vocational schools to prevent deceptive practices. The rule may benefit consumers by enabling them to avoid expenditures on inappropriate courses and increasing the effectiveness of the vocational school industry in training and placing people in productive jobs. The cooling-off, track record disclosures, and refund components of the rule variations under consideration would impose real social costs on schools covered (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/15/74	39 FR 29385
Previous Final Rule published	12/18/78	43 FR 60796
Rule set aside & remanded by Court	12/13/79	
New Staff Recommendation published	07/10/81	46 FR 35668
Staff Recommendations to Commission	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: including administrative costs associated with processing and collecting and disseminating information. Price increases may result from these costs as well as the possibility of paying out increased refunds. The rule should be most costly to schools that use unfair or deceptive practices to induce students to enroll in their courses. Schools that do not use these practices may not incur significant cost increases. The rule seeks to deter deceptive sales practices by requiring schools to provide material

information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary. Most of the 6,000 schools that would be affected by the rule are small businesses.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3826

RIN: 3084-AA11

3850. NEGATIVE OPTION RULE

Legal Authority: 15 USC 41 Federal Trade Commission Act

CFR Citation: 16 CFR 425

Abstract: The Trade Regulation Rule concerning negative option plans was promulgated on February 15, 1973. The rule imposes specific requirements concerning procedures that must be followed in the operation of negative option methods of merchandising. The rule requires that all covered advertisements clearly disclose the material terms of the plan; that the subscriber be given a minimum of 10 days in which to instruct the seller not to mail a selection; and that the seller must give full credit, and guarantee return postage, for merchandise returned by subscribers who were not obligated to receive it. The rule is designed to address a number of significant consumer problems described in the record of the rulemaking proceeding, including denying subscribers sufficient time to respond to the negative option cards sent under these plans, thereby denying subscribers the opportunity to make an informed decision; delivering unordered merchandise without prior consent of subscribers; and placing the burden and expense of correcting "errors" on the subscriber.

Timetable:

Action	Date	FR Cite
Rule Promulgated	02/15/73	38 FR 4896
Begin Reg Flex Act Review	11/00/85	

Small Entity: Undetermined

Additional Information: EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: The rule applies to all sellers that use negative option plans, some of which are small businesses as defined by the Regulatory Flexibility Act. 5U.S.C. 601(6). To assess the possible impact of the rule on such small entities, the Commission has scheduled a review of the rule during fiscal 1986, in accordance with Section 610 of the Regulatory Flexibility Act.

Agency Contact: Bernard Rowitz, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, D.C. 20580, 202 376-2807

RIN: 3084-AA33

3851. CARE LABELING RULE

Legal Authority: 15 USC 41 et seq. Federal Trade Commision Act

CFR Citation: 16 CFR 423

Abstract: The Trade Regulation Rule concerning care labeling of textile wearing apparel and certain piece goods used to make wearing apparel was promulgated on December 16, 1971. The rule requires manufacturers and importers to provide labels for covered items which disclose information for cleaning and care of the product. The rule is intended to assist consumers in making informed purchase decisions concerning the care characteristics of competing products and to enable consumers and cleaners to avoid product damage caused by the use of improper cleaning procedures. The rule was amended on May 20, 1981. The amendments require a more complete statement of the same procedures and establish a standard for the accuracy of each care procedure on a label. The amendments also provide a glossary of standardized care terminology that can be used. With the clarification of the rule's requirements provided by the amendments, manufacturers and importers will be able to minimize inadvertent violations and avoid unnecessary compliance costs.

Timetable:

Action	Date	FR Cite
Rule Promulgated	12/16/71	36 FR 23883
Amendments Promulgated	05/20/83	48 FR 22733
Begin Reg Flex Act Review	11/00/85	

Small Entity: Undetermined

Additional Information: EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: The rule applies to textile wearing apparel and certain piece goods manufacturers and importers, some of which are small businesses as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). To assess the possible impact of the rule on such small entities, the Commission has scheduled a review of the rule during fiscal 1986, in accordance with Section 610 of the Regulatory Flexibility Act.

Agency Contact: Earl Johnson, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Ptotection, Washington, D.C. 20580, 202 376-2891

RIN: 3084-AA34

FEDERAL TRADE COMMISSION (FTC) — Existing Regulations Under Review

3852. PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS (EXISTING REGULATION; MODIFICATIONS UNDER CONSIDERATION)

Legal Authority: 15 USC 2302(b)(1)(A); 15 USC 2309(a) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 702

Abstract: The Magnuson-Moss Warranty Act (15 U.S.C. 2302(b)(1)(A)) requires that the Federal Trade Commission promulgate a rule to require that the terms of written warranties for consumer products be made available to consumers prior to purchase. The Rule modifications currently being considered are intended to achieve the Congressional objective more effectively by making the Rule requirements more flexible and thus lessening the costs and burdens of compliance while still ensuring consumers access to warranties prior to purchase. The current Pre-Sale Availability Rule requires that retailers of consumer products costing more than $15 make warranty texts available to consumers prior to purchase by placing the warranty text in one or a combination of four specified locations; (1) on the product, (2) in a binder, (3) on the package, or (4) on a sign. Manufacturers are required to provide materials sufficient for retailers to meet

their obligations. The Rule modifications currently under consideration would reduce retailers' obligations by requiring only that warranties accompany the product or be made readily available on request prior to sale. Changes in the Rule could (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	45 FR 60168
Begin Review	11/04/81	
End Review	01/17/85	
NPRM	05/01/85	50 FR 18495
NPRM Comment Period Begin	05/01/85	
NPRM Comment Period End	06/17/85	
Staff Recommendation to Commission	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: produce benefits by reducing the total costs of compliance with the present rule for retailers. The Commission has issued a Notice of Proposed Rulemaking to solicit comments on the proposed revisions and to pose questions regarding (among other issues) retailers' responses to the changes and requirements for disclosure of warranty availability during television advertising.

Agency Contact: **Rebecca Johnson**, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-3357**

RIN: 3084-AA15

3853. RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 424

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices states that it is a violation of Section 5 of the Federal Trade Commission Act for grocery stores to advertise products at a particular price unless such products are in stock and conspicuously and readily available for sale at the advertised price during the effective period of the advertisement. If a store runs out of advertised products, it is in violation of the rule even if the store noted the limitations on availability in its advertisement and even if the store provides rainchecks or substitute items. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. The rule may cause costs to be incurred in maintaining sufficient inventory to meet anticipated demand, and costs associated with the monitoring of price changes, changing marked prices, training employees to comply with the rule and keeping records to prove compliance. (cont)

Timetable:

Action	Date	FR Cite
Comment on Reg Flex Act Review	12/00/83	
ANPRM	12/10/84	49 FR 48059
ANPRM Comment Period End	02/08/85	
Staff Recommendation to Commmission	07/00/85	
NPRM	11/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: The rule may also discourage the advertising of certain kinds of products, such as perishables or goods that are available to the store only in limited supply. The staff has concluded from a careful review of the rule's effects that the costs the rule imposes on consumers in the form of higher grocery prices significantly exceeds its benefits. Consequently, staff has recommended that the rule be modified in such a way that a store could comply with the rule by clearly and adequately disclosing in its advertisements that there are limitations on availability, or by offering rainchecks or substitute items if supplies run out. Staff has concluded that modifying the rule in this way will maintain any benefits it provides to consumers while substantially reducing or eliminating its costs. The Commission has authorized publication of a Notice of Proposed Rulemaking to begin the amendment process.

Agency Contact: **Lewis Franke**, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-2891**

RIN: 3084-AA17

3854. COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 429

Abstract: The rule states that sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business must furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days and must give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract, along with a notice informing the buyer of the right to cancel the transaction, to furnish the buyer with a completed Notice of Cancellation. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices. Since the rule affects all door-to-door sellers, it may have a significant economic effect on a (cont)

Timetable:

Action	Date	FR Cite
Begin Reg Flex Act Review	03/00/83	
End Reg Flex Review	12/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: substantial number of small entities. The Commission is continuing its review of the rule in accordance with Section 610 of the Regulatory Flexibility Act. Staff is exploring non-substantive changes in the notices required by the rule.

Agency Contact: Lewis Franke, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2891

RIN: 3084-AA18

3855. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping date or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Initiation of Reg Flex Act Review	10/20/83	
Final Report to Commission	04/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, deliveries, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. Pursuant to Sec. 610 of the Regulatory Flexibility Act, the Commission is undertaking a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize any such impact. The rule applies to all members of the mail order industry, including small firms. In addition, the staff is considering whether the rule should be amended to cover orders placed by telephone or other electronic means.

Agency Contact: Raymond L. Rhine, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2863

RIN: 3084-AA19

3856. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, Appendix

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. Review of these rules and the Form focuses on reducing the paperwork burden imposed on the business community. On July 29, 1981, the Commission proposed several changes in the current premerger rules (46 Fed. Reg. 38710). These proposed changes, with some modification, were adopted in July 1983. On July 2, 1982, the Commission requested comments on several approaches to reduce further the burden imposed by the premerger rules and the Form. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
Notice of Request for Comments	07/02/82	47 FR 29182
NPRM Proposed Rule Changes	09/24/85	50 FR 38742
Staff Proposal to Commission on Use of 1982 Revenue Data	10/30/85	
Final Action on Use of 1982 Revenue Data	11/00/85	
Staff Recommendation to Commission: Proposed Rule Changes	03/00/86	

Small Entity: No

Additional Information: SMALL ENTITY CONT: The Premerger Notification Rules do not affect nonbusiness entities or small businesses. A firm must have sales or assets of at least $10 million to be subject to any reporting obligation. Moreover, any transaction is exempt under the rules if it is valued at less than $15 million and will not result in the acquiring person's holding 50% of the voting securities of a corporation with sales or assets of $25 million or more.

ABSTRACT CONT: On September 24, 1985 the Commission proposed amendments to the Premerger rules that pertain for the most part to the burden reduction initiative and that affect the scope of the reporting requirement. In October, 1985, the staff submitted to the Commission a recommendation to promulgate a final rule amendment requiring persons filing notification to submit revenue data for 1982 rather than 1977 in response to certain questions on the Form relating to product lines.

Agency Contact: John M. Sipple, Jr., Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Washington, DC 20580, **202 523-3404**

RIN: 3084-AA23

3857. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419.1

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. During January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an advance notice of proposed rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requests public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
Submit Staff Analysis to Commission	10/00/85	
Commission Consideration of Appropriate Action	03/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which are currently being reconsidered. Possible alternatives include different disclosures, reduced disclosures, or no disclosures.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 500- Mall Building, 118 St. Clair Ave, Cleveland, Ohio 44114, **216 522-4207**

RIN: 3084-AA24

3858. FRANCHISING AND BUSINESS OPPORTUNITIES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 436

Abstract: The franchise trade regulation rule was adopted in response to evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the rule. In some instances prospective franchisees lack a ready means of obtaining essential and reliable information about their proposed business investment. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons. The rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is made and (ii) by means of disclosure documents whose form and content are set forth in the rule. The rule requires disclosure of (cont)

Timetable:

Action	Date	FR Cite
Rule promulgated	12/21/78	43 FR 59614
Begin Reg Flex Act Review	03/00/84	
Request for Comment on Reg Flex Review	10/00/85	
End Reg Flex Review	03/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: certain information. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises. In accordance with Section 610 of the Regulatory Flexibility Act, the Commission will review this rule to examine its impact on small entities and assess whether any modifications are needed.

Agency Contact: John M. Tifford, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-2805**

RIN: 3084-AA25

3859. APPLIANCE LABELING RULE -- ENERGY POLICY AND CONSERVATION ACT

Legal Authority: 42 USC 6294 National Energy Conservation Policy Act; PL 94-163 Energy Policy and Conservation Act, Sec 324, 1975

CFR Citation: 16 CFR 305

Abstract: The Energy Policy and Conservation Act (EPCA) required the Commission to consider labeling rules for the disclosure of energy information, based on standard test procedures prescribed by the Department of Energy, for at least 13 categories of major household appliances. The Commission adopted a labeling rule for seven appliance categories: (1) refrigerators and refrigerator- freezers; (2) freezers; (3) dishwashers; (4) clothes washers; (5) water heaters; (6) room air conditioners; and (7) furnaces. The Commission exempted five other categories of appliances. Following DOE's adoption of final test procedures for central air conditioners (and heat pumps), the Commission initiated a rulemaking to consider including these products. The Commission is also considering including two new types of furnaces in the rule's current coverage of furnaces.

The rule mandates that specific energy costs or efficiency information for covered products be disclosed in catalogs and on a label (fact sheets are required for furnaces). The label must include a highlighted energy cost or efficiency disclosure, a range indicating the highest and lowest energy costs or (cont)

Timetable:

Action	Date	FR Cite
NPRM (Air Conditioners)	08/11/80	45 FR 53340
NPRM (Furnaces)	07/24/81	46 FR 38105
Begin Reg Flex Act Review	04/08/85	50 FR 13820
Reg Flex Comment Period Closed	05/08/85	
Final Reg Flex Rec. to Commission	12/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: efficiencies for all similar appliance models, and a chart that permits an individual to estimate how much it will cost to run the appliance each year based on local utility rates. The primary purpose of the rule is to permit consumers to compare the energy usage of competing appliances and to weigh that information along with other product features.

Since the Commission's rule implements the statutory directives in EPCA, most of the costs imposed on industry members may not be attributable to the rule. The rule applies mainly to manufacturers of household appliances, but does impose some burdens on distributors and retailers. Some of these entities may be small businesses pursuant to Section 610 of the Regulatory Flexibility Act; therefore, the Commission has begun a review of the rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended.

Agency Contact: **James Mills**, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, **202 376-8934**

RIN: 3084-AA26

3860. INFORMAL DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Abstract: The Magnuson-Moss Warranty act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who voluntarily choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. In accordance with Section 610 of the Regulatory Flexibility Act, The Commission will begin a review of the rule during fiscal 1985 to examine whether the rule has had a significant economic impact on a substantial number of small entities and to assess whether any changes are needed. The review process will focus on whether changes in the rule would advance the Congressional objective of encouraging warrantors to establish informal dispute settlement mechanisms. The review will also consider possible incentives for additional warrantors to participate in dispute (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Begin Reg Flex Act Review	09/00/85	
End Reg Flex Review	04/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: settlement mechanisms while continuing to ensure the fairness of mechanism procedures.

Agency Contact: **Joseph Kattan**, Federal Trade Commission, Division of Marketing Practices, Federal Trade Commission, Washington, D.C. 20580, **202 523-3860**

RIN: 3084-AA30

3861. OCTANE CERTIFICATION AND POSTING RULE--PETROLEUM MARKETING PRACTICES ACT

Legal Authority: 15 USC 2801 et seq Petroleum Marketing Practices Act

CFR Citation: 16 CFR 306

Abstract: The Federal Trade Commission, in accordance with the Regulatory Flexibility Act and publication of a Plan for the Periodic Review of Commission Rules, 46 FR 35118 (July 7, 1981), is soliciting comments and data on whether the Octane Certification and Posting Rule, 16 CFR Part 306 ("the Rule"), has had a significant economic impact on small entities, and if it has, whether the Rule should be amended to minimize any such significant economic impact on small entities.

The Rule establishes standard procedures for determining, certifying and posting (by means of a label on the fuel dispenser) the octane rating of automotive gasoline intended for sale to consumers. In addition, the Rule contains recordkeeping requirements that require gasoline refiners and importers to retain octane rating test records and gasoline distributors and retailers to retain octane certification records pertaining to the gasoline they sell in commerce for one year.

The Rule is intended to enable consumers to buy gasoline with an octane rating that is high enough to prevent (cont)

Timetable:

Action	Date	FR Cite
Previous Rule promulgated	03/30/79	44 FR 19160
Previous Rule effective	06/01/79	
Begin Reg Flex Review	04/02/85	50 FR 13048
Comment Period Closed	05/02/85	
End Reg Flex Review	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: inefficient and harmful "engine knock" and to help consumers to avoid buying gasoline with an octane rating that is needlessly higher than the requirements of their automobiles.

The purpose of this review is limited to determining whether the Rule should be continued without change, or should be amended or rescinded, consistent with

the stated objectives of applicable statutes, to minimize any significant economic impact of the Rule upon a substantial number of small entities.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-8934

RIN: 3084-AA32

FEDERAL TRADE COMMISSION (FTC) — Completed Actions

COMPLETED RULEMAKINGS

3862. HEARING AIDS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 52 Federal Trade Commission Act; 15 USC 55 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 440, (New)

Abstract: The proposed regulation would have afforded hearing aid purchasers a right to cancel the transaction within 30 days of purchase subject only to specified cancellation charges. Staff explored alternative rule proposals that would require hearing aid dispensers to disclose whether they offer a trial period or that would contain specific advertising prohibitions. In addition staff explored case by case enforcement and other alternatives to a Commission rule. If a trial period were required, the costs of the rule would be the dispenser's loss on the returned aid and the administrative expense of complying with the rule. This loss would be mitigated, among other things, by a cancellation fee and by the opportunity to re-sell the used aid. The benefit would be to protect consumers from deceptive and unfair sales practices, and from the risk that a hearing aid will not significantly enhance hearing. The Commission terminated the rulemaking without promulgating a rule, because the evidence on the record did not indicate that unfair or deceptive practices were sufficiently widespread to justify a rule or that the benefits of such a rule would outweigh its costs to (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/75	40 FR 26646
Presiding Officer's Report	08/00/77	
Original Staff Report	11/00/78	
Initial Commission consideration	10/00/79	
Commission determination to end rulemaking without promulgating a rule	09/16/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: consumers. Rather, the Commission determined that the interest of consumers would be best served by case-by-case enforcement against isolated instances of unfair or deceptive practices.

Agency Contact: Dave Koch, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3911

RIN: 3084-AA07

3863. STANDARDS AND CERTIFICATION

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 46(g) Federal Trade Commission Act

CFR Citation: 15 CFR 457, (New)

Abstract: Standards for products ranging from nuts and bolts to computers are set by trade associations, professional societies, testing laboratories, and other private sector groups. They are relied on by consumers, building code officials, government agencies, and others for regulatory and procurement purposes. These standards can provide significant benefits, such as lowering the cost of communications between buyers and sellers; improving the transfer of technology; encouraging efficiencies in design, production, and inventory; and assuring the safety, fitness, energy efficiency, or other aspects of product performance. However, substantial injury to competition and consumers can occur if standards or certification actions block the use of superior or lower cost technology, inflate product prices, or deceive consumers about the quality or safety of a product. In the proceeding, the Commission examined whether a rule, guide, or other enforcement action is needed to address these competitive and consumer injuries. The Commission, in its consideration of the need for a rule particularly addressed the impact on injurious practices of other events, such as promulgation (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/07/78	43 FR 57269
Staff Report	04/11/83	48 FR 15484
Presiding Officer's Report	06/06/83	48 FR 25218
Post Record Comments Due	09/06/83	
Rebuttal Comments Due	10/21/83	
Commission determination to end rulemaking without promulgating a rule	09/16/85	
Staff Recommendations to Commission	09/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: of OMB Circular A-119 and recent court actions. The Commission has terminated the rulemaking without promulgating a rule. The Commission's decision was based on a determination that there is inadequate evidence to indicate that anticompetitive practices are sufficiently widespread to justify an industry-wide rule, particularly in light of recent changes in practices of standards developers in response to a Supreme Court decision holding a standards developer responsible for the anticompetitive practices of its members. Rather, the Commission intends to use case-by-case enforcement against specific instances

of abuse of the standards development or certification process.

Agency Contact: Dean Graybill, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3914

RIN: 3084-AA13

3864. AMENDMENT TO THE RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939 AND THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Legal Authority: 15 USC 68b(d); 15 USC 70j

CFR Citation: 16 CFR 300; 16 CFR 303

Abstract: The Wool Products Labeling Act of 1939 requires all wool products to bear a label showing the percentage of wool, recycled wool, and non-wool fibers contained in the product and the name of the manufacturer or other distributor. The Textile Fiber Products Identification Act requires each household textile product to bear a label showing the percentage of each fiber contained in the product, the name of the manufacturer or distributor, and the country of origin if the product was manufactured principally in a foreign country. Each Act prohibits misbranding and false advertising of the fiber content of covered products and, in the case of textile products, requires that the appropriate generic name be used for all fibers. Each Act and accompanying rules are designed to protect producers and consumers from being deceived by misbranding and false advertising of covered products. Since the rules closely follow statutory requirements, most of the costs imposed on affected industry members may not be attributable to the rules. The rules apply to textile fiber product manufacturers and certain marketers some of which may be small businesses. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44913
Final Action	04/17/85	50 FR 15100
Final Action Effective	05/17/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: On September 24, 1984 Congress amended these Acts. (Title III, Pub. Law 98-417). Effective December 24, 1984, the country of origin must be added to the information on the label, all products must be labeled, labels must be located in the neck of any garment having a neck, and mail order catalogues and other mail order promotional material must contain the disclosure for each covered product whether it was made in the U.S.A., imported, or both. Rule amendments implementing these requirements have been promulgated.

Agency Contact: Earl Johnson, Federal Trade Commission, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580, 202 376-2891

RIN: 3084-AA29

COMPLETED REVIEWS

3865. LABELING AND ADVERTISING OF HOME INSULATION RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 460

Abstract: The Commission's home insulation trade regulation rule became effective on September 29, 1980. In summary, the major provisions of the rule: (1) prescribe standardized test methods for determining the R-values, or effectiveness, of home insulation materials; (2) mandate prepurchase point-of-sale disclosures of R-values and related information to consumers on labels and fact sheets; (3) require installers and new home sellers to disclose to consumers information about the insulation installed; (4) require disclosure of R-values or related information in advertisements which make specific claims about home insulation products; and (5) require substantiation and qualifying disclosures in advertisements which make energy savings claims about home insulation products. The rule is designed to enable consumers to evaluate and compare the thermal performance characteristics of these materials, and to ensure that promotional claims for home insulation products will be fair and nondeceptive. The disclosure requirements of the rule may benefit smaller manufacturers and other sellers, whose insulation products often compare favorably on an R-value basis with (cont)

Timetable:

Action	Date	FR Cite
Rule promulgated	08/29/79	44 FR 50218
Rule effective	09/29/80	45 FR 54704
Request for Comment on Reg Flex Act Review	05/25/84	49 FR 22104
End Review	04/03/85	50 FR 13246

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: products produced by the dominant manufacturers in the industry. The resulting costs to covered sellers include the costs of conducting tests, preparing test reports, maintaining records, preparing labels and fact sheets, making disclosures in advertisements, and making disclosures in sales contracts or receipts given to consumers. Since the rule applies to all manufacturers, installers and other retail sellers of home insulation products, and to all retail new home and mobile home sellers, it may have a significant economic effect on a substantial number of small entities. To assess the possible impact of the rule on such small entities, the Commission conducted a review of the rule in accordance with Section 610 of the Regulatory Flexibility Act. Based on the comments received, the Commission determined that it had no basis to conclude that the rule had a significant impact on a substantial number of small entities. Accordingly, the Commission concluded that the rule should not be amended.

Agency Contact: Kent C. Howerton, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-8934

RIN: 3084-AA27

[FR Doc. 85-20994 Filed 10-28-85; 8:45 am]

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federal register

Tuesday
October 29, 1985

Part LV

Interstate Commerce Commission

Semiannual Regulatory Agenda

ICC

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 9)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 85-21, issued under section 6(b) of E.O. 12291 to implement the provisions of section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of (1) current and projected rulemakings, and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: Two lists of proceedings appear below. The first contains information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. The second contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the **Federal Register** in October 1985. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: August 20, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Chairman Taylor was absent and did not participate.

James H. Bayne,

Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Current and Projected Rulemakings

3866. ● REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM Comment Period Begin	04/29/85	50 FR 27031
ANPRM Comment Period End	08/28/85	
Comments under review	00/00/00	

Small Entity: No

Additional Information: This proceeding embraces the proposals and record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13.

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA13

3867. SPECIAL TEMPORARY AUTHORITY PROCEDURES, EX PARTE NO. MC-64 (SUB-NO. 2A)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1131

Abstract: Proposal to add categories of emergency situations in which special temporary operating authority for motor carriers may be granted.

Timetable:

Action	Date	FR Cite
NPRM	06/05/80	45 FR 37912
NPRM Comment Period Begin	06/05/80	45 FR 46459
NPRM Comment Period End	08/11/80	
Draft under internal evaluation	00/00/00	

Small Entity: Not Applicable

Agency Contact: Howell I. Sporn, Deputy Director, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7691**

RIN: 3120-AA19

3868. PETITION TO EXPAND PASSENGER MOTOR CARRIER SUPERHIGHWAY AND DEVIATION RULES, EX PARTE NO. MC-65 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1042

Abstract: Proposal to expand the amount by which a motor carrier of passengers may deviate from its certificated route in order to perform authorized service in an efficient and timely way.

Timetable:

Action	Date	FR Cite
NPRM	02/01/79	44 FR 6580
Under internal evaluation	00/00/00	

Small Entity: Not Applicable

Agency Contact: S. David Berger, Supervising Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7980

RIN: 3120-AA24

3869. DORMANCY, DIVISION OF OPERATING RIGHTS, AND NEW COMPETITIVE SERVICE IN MOTOR CARRIER ACQUISITION CASES, EX PARTE NO. MC-155

Legal Authority: 49 USC 10926; 49 USC 11343; 49 USC 11344

CFR Citation: 49 CFR 1132; 49 CFR 1134

Abstract: New rules would propose to deal with the handling of sales of motor carrier operating rights involving dormant rights or rights which create additional competition by sale.

Timetable:

Action	Date	FR Cite
Draft under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Warren Wood, Senior Attorney, Motor Section, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Room 2330, Washington, DC 20423, 202 275-7977

RIN: 3120-AA27

3870. INTERCHANGE POLICIES AT INTERNATIONAL BOUNDARY LINES, EX PARTE NO. MC-73 (SUB-NO. 1)

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 11107; 5 USC 552; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1004; 49 CFR 1057

Abstract: Proposal to permit licensed motor carriers to interchange equipment at international boundary lines with licensed Mexican and Canadian carriers.

Timetable:

Action	Date	FR Cite
NPRM	06/23/81	46 FR 32460
NPRM Comment Period Begin	06/23/81	
NPRM Comment Period End	08/07/81	
Draft under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Andrew L. Lyon, Principal Attorney, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7805

RIN: 3120-AA36

3871. REVOCATION PROCEDURES FOR FAILURE TO FILE AND MAINTAIN INSURANCE (MOTOR CARRIERS), OR SURETY BONDS (MOTOR CARRIERS, BROKERS AND FREIGHT FORWARDERS), EX PARTE NO. MC-5 (SUB-NO.3)

Legal Authority: 49 USC 10925; 49 USC 10927

CFR Citation: 49 CFR 1043.7(f); 49 CFR 1084.8(g)

Abstract: Motor carriers, brokers and forwarders are required to file evidence of security for public protection in prescribed amounts. This proceeding involves improvement of the procedures by which revocation of certificates, licenses and permits is accomplished for failure to file or maintain the required security.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55980
NPRM Comment Period Begin	12/13/82	47 FR 55980
NPRM Comment Period End	01/13/83	

Next Action Undetermined

Small Entity: No

Agency Contact: Margaret Ginyard, Transportation Industry Analyst, Interstate Commerce Commission, Office of Compliance & Consumer Assistance, Washington, DC 20423, 202 275-6749

RIN: 3120-AA39

3872. REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY MOTOR COMMON CARRIER PASSENGER SERVICE, EX PARTE NO. MC-95 (SUB-NO. 3)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1063

Abstract: Proposal to develop rules governing adequacy of service, equipment, and facilities on buses.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 53092
NPRM Comment Period Begin	12/03/84	49 FR 49117
NPRM Comment Period End	02/01/85	
Draft under internal review	00/00/00	

Small Entity: Not Applicable

Agency Contact: James Brown, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7898

RIN: 3120-AA40

3873. HANDLING OF C.O.D. SHIPMENTS, EX PARTE NO. MC-42

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 10762; 49 USC 11101; 5 USC 553

CFR Citation: 49 CFR 1052

Abstract: The Commission is considering whether to revise its existing regulations to authorize individual carriers to establish their own nondiscriminatory C.O.D. collection and remittance rules and to eliminate the requirement in existing recordkeeping.

Timetable:

Action	Date	FR Cite
NPRM	03/19/81	46 FR 17814
NPRM Comment Period Begin	03/20/81	
NPRM Comment Period End	05/04/81	
Draft Decision under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Tom Barry, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7540

RIN: 3120-AA42

3874. IMPROVEMENT OF TOFC/COFC REGULATION (RAILROAD AFFILIATED MOTOR CARRIERS AND OTHER MOTOR CARRIERS), EX PARTE NO. 230 (SUB-NO. 6)

Significance: Agency Priority

Legal Authority: 49 USC 10321(a); 49 USC 10505; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1039

Abstract: The Commission has voted to extend to non-rail affiliated motor carriers its exemption from 49, Subchapter IV of the U.S. Code motor transportation of trailers and of containers used in continuous intermodal movements (TOFC and COFC service). The date the exemption will become effective is not yet determined.

Timetable:

Action	Date	FR Cite
ANPRM	08/22/79	44 FR 49279
ANPRM Comment Period Begin	08/22/79	44 FR 49279
ANPRM Comment Period End	10/22/79	
NPRM	02/27/81	46 FR 14365
NPRM Comment Period Begin	02/27/81	46 FR 14365
NPRM Comment Period End	03/30/81	
Vote of the Commission	09/20/84	
Draft Final Decision under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA47

3875. STANDARDS FOR RAILROAD REVENUE ADEQUACY, EX PARTE NO. 393 AND EX PARTE NO. 393 (SUB-NO. 1)

Significance: Agency Priority

Legal Authority: 49 USC 10704(a)(2)

CFR Citation: Not yet determined

Abstract: To assist the Commission in determining whether railroads are revenue adequate as prescribed by the IC Act. A final decision in the lead proceeding was issued on 03/30/81. The present NPRM (Sub-No.1) is to resolve several issues left outstanding in the earlier decision.

Timetable:

Action	Date	FR Cite
NPRM	11/26/80	
NPRM	02/28/83	
NPRM Comment Period Begins	03/01/83	
NPRM Comment Period Ends	04/15/83	
Comment Period Extended to	09/16/83	48 FR 29964
Comments due	09/23/83	48 FR 42876
Final Action	12/00/85	
Draft Decision under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Ward L. Ginn, Jr., Chief, Section of Financial Analysis, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, **202 275-7488**

RIN: 3120-AA61

3876. ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Significance: Agency Priority

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period Begin	01/31/83	48 FR 25290
NPRM Comment Period End	09/28/83	
Decision to hold in abeyance until further notice	11/13/84	49 FR 45080
Final Action	01/00/87	

Small Entity: Yes

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, **202 275-7354**

RIN: 3120-AA63

3877. AGRICULTURAL COOPERATIVE EXEMPTION

Legal Authority: 49 USC 10529

CFR Citation: 49 CFR 1047.21 to 1047.23

Abstract: The draft final rules would modify existing regulations to enhance the Commission's enforcement powers over cooperatives. Cooperatives would be required to compile simple reports and maintain certain records in one location. Non-resident cooperatives would have to make such reports and records available in the United States, and the Notice Form OCP 102 required to be filed with the Commission would expire one year from the filing date.

Timetable:

Action	Date	FR Cite
NPRM	06/10/81	49 FR 30668
NPRM Comment Period Begin	06/10/81	49 FR 30668
NPRM Comment Period End	07/27/81	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, **202 275-7841**

RIN: 3120-AA74

3878. TRANSFERS OF OPERATING RIGHTS, EX PARTE NO. MC-111 (SUB-NO. 1)

Legal Authority: 49 USC 10101; 49 USC 10926; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1045.11; 49 CFR 1132; 49 CFR 1133; 49 CFR 1141; 49 CFR 1151

Abstract: When motor carriers, water carriers, brokers, and freight forwarders seek to transfer their operating rights, they must follow Commission procedures. Proposed regulations will seek to consolidate the various regulations, streamline them, and simplify the entire procedure.

Timetable:

Action	Date	FR Cite
Draft NPRM under internal evaluation	00/00/00	

Small Entity: Yes

Agency Contact: Suzanne Higgins, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7181**

RIN: 3120-AA81

3879. SPECIAL INTERMODAL AUTHORITY, EX PARTE NO. 282 (SUB-NO. 7)

Legal Authority: 49 USC 11344(e)

CFR Citation: 49 CFR 1111.11

Abstract: The rules will implement a provision allowing special applications to provide the motor portion of a motor-rail movement as a substitute for impaired rail service.

Timetable:

Action	Date	FR Cite
NPRM	10/18/80	
NPRM Comment Period Begin	10/18/80	
Interim Final Rule	10/18/80	
NPRM Comment Period End	11/18/80	
Presently under internal evaluation	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AA82

3880. REVISION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PROPERTY, DOCKET NO. 38904

Significance: Agency Priority

Legal Authority: 49 USC 11142

CFR Citation: 49 CFR 1207; 49 CFR 1249

Abstract: This rule would eliminate all the Commission's accounting and reporting rules for Class I and II common and contract motor carriers of property.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7201
NPRM Comment Period Begin	02/21/85	
NPRM Comment Period End	04/08/85	
Final Action	12/00/85	
Final Action Effective	01/00/86	

Small Entity: No

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting and Reporting, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-6786

RIN: 3120-AA84

3881. REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Significance: Agency Priority

Legal Authority: 49 USC 11166

CFR Citation: 49 CFR 1201

Abstract: The purpose of this regulation is to update the uniform system of accounts for railroads. This includes incorporating various suggestions from users and carriers and recommendations from Commission staff. It also addresses such areas as compliance with GAAP, clarity of presentation, and logic for level of detail in account classifications. Further, the operating expense account explanations will be revised for clarity.

Timetable:

Action	Date	FR Cite
NPRM	06/13/84	49 FR 24554
NPRM Comment Period Begin	06/13/84	49 FR 24554
NPRM Comment Period End	07/30/84	
Final Action	11/00/85	
Final Action Effective	01/00/86	

Small Entity: No

Agency Contact: Francis R. Grisetti, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7448

RIN: 3120-AA86

3882. PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION, AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS

Legal Authority: 49 USC 10741; 49 USC 10761(a)

CFR Citation: 49 CFR 1008

Abstract: This action is considering the modification of rules governing processing of overcharge, duplicate payment, and overcollection claims to lessen burdens on small shippers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period Begin	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entity: Yes

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, Office of Compliance and Consumer Assistance, Washington, DC 20423, 202 275-7841

RIN: 3120-AA95

3883. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Legal Authority: 49 USC 10321; 49 USC 10762

CFR Citation: 49 CFR 1312

Abstract: Commission regulations require filing of tariffs in printed form. The Commission is considering establishing rules and procedures to permit carriers to file tariffs electronically. The advance notice of proposed rulemaking seeks comments from interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	
ANPRM Comment Period Begin	03/08/83	48 FR 18861
ANPRM Comment Period End	06/22/83	
Presently under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Charles E. Langyher, III, Chief, Section of Tariffs, Interstate Commerce Commission, Bureau of Traffic, Washington, DC 20423, 202 275-7739

RIN: 3120-AA99

3884. ACCEPTABLE FORMS OF REQUESTS FOR OPERATING AUTHORITY FOR MOTOR CARRIERS AND BROKERS OF PROPERTY, EX PARTE NO. MC-55 (SUB-NO. 43A)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10101; 49 USC 10321; 49 USC 10922; 49 USC 10923; 49 USC 10924; 49 USC 11102

CFR Citation: 49 CFR 1160

Abstract: To permit applications for any reasonably broad commodity description.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	
NPRM Comment Period Begin	08/08/83	
NPRM Comment Period End	09/26/83	
Most rules effective	05/18/84	49 FR 15205
Supplemental NPR (bulk commodities only)	07/02/84	49 FR 27182
Comments due	08/16/84	
Comments under review	00/00/00	
Final decision under consideration	00/00/00	

Small Entity: No

Agency Contact: Suzanne Higgins, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7181

RIN: 3120-AB05

3885. RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS PROCESSED AND MANUFACTURED COMMODITIES

Legal Authority: 49 USC 10505

CFR Citation: 49 CFR 1039

Abstract: 49 USC 10505 requires that the Commission exempt from regulation the movement by rail of traffic for which it finds continued regulation no longer necessary to serve the Nation's transportation policy objectives and to protect shippers from abuse of market power by the railroads. In examining the transportation characteristics and markets of various commodities moving by rail, there appear to be many products for which sufficient competition exists among transportation alternatives so that regulation may no longer be necessary. Exemption of such commodities should provide increased rate and service flexibility for railroads to meet shippers' needs and to compete more effectively for the subject traffic. Anticipated benefits include lower rates and improved service, at a possible "cost" of increased price instability and competition to alternative transport firms.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Agency Contact: Robert Lundy, Economist, Interstate Commerce Commission, Washington, DC 20423, 202 275-6853

RIN: 3120-AB08

3886. PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REVISION OF OPERATIONAL REGULATIONS)

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Abstract: This proceeding involves a plenary review of the household goods regulations in which the Commission invites public comment and proposals which would minimize the regulatory burden on movers to the maximum extent consistent with the protection of individual shippers.

Timetable:

Action	Date	FR Cite
ANPRM	10/26/83	48 FR 49561
ANPRM Comment Period Begin	10/26/83	48 FR 49561
ANPRM Comment Period End	01/12/84	
NPRM	00/00/00	
NPRM Comment Period Begin	00/00/00	

Small Entity: Yes

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, 202 275-7841

RIN: 3120-AB17

3887. BOX CAR HIRE AND CAR SERVICE, EX PARTE NO. 346 (SUB-NO. 19)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Abstract: This proceeding considers alternatives to present car-hire and car service rules affecting boxcars and to the proposals made in Ex Parte No. 346 (Sub-No. 8), Exemption From Regulation - Boxcar Traffic (48 FR 20412, May 6, 1983).

Timetable:

Action	Date	FR Cite
ANPRM	06/27/84	49 FR 26745
ANPRM Comment Period Begin	07/03/84	49 FR 26745
ANPRM Comment Period End	11/20/84	
Supplemental comment period	07/24/85	50 FR 26015
Comments under review	00/00/00	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AB19

3888. POLICY ON RELEASE OF DATA FROM THE ICC WAYBILL SAMPLE

Legal Authority: 49 USC 10321; 49 USC 11144; 5 USC 552; 5 USC 553

CFR Citation: 49 CFR 1244.8

Abstract: The Commission, in recognition of the sensitivity of unaggregated waybill data and the potential for competitive harm to shippers and railroads, proposes to establish a policy for the release of waybill sample data. The policy will balance the need of the users of the data and assure that confidential carrier or shipper information is not disclosed. The policy will be added to 49 C.F.R. 1244 as Section 1244.8.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: James A. Nash, Transportation Industry Analyst, Interstate Commerce Commission, Washington, DC 20423, 202 275-6864

RIN: 3120-AB20

3889. ● REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES - 1985 UPDATE, EX PARTE NO. 246 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 5 USC 553; 31 USC 9701; 49 USC 10321

CFR Citation: 49 CFR 1002

Abstract: In this proceeding the Commission will be updating its user fees to reflect the Commission's 1985 costs for providing services to the public under the procedures set forth in Ex Parte No. 246 (Sub-No. 2) at 49 FR 18490 (May 1, 1985).

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	
NPRM Comment Period Begin	08/15/85	
NPRM Comment Period End	09/16/85	
Final Action	10/01/85	
Final Action Effective	11/01/85	

Small Entity: No

Agency Contact: Kathleen M. King, Assistant Secretary, Interstate Commerce Commission, Office of the Secretary, 12th & Constitution Avenue, NW, Washington, DC 20423, **202 275-7428**

RIN: 3120-AB24

3890. ● MOTOR CARRIER RATE BUREAUS - EXPANSION OF COLLECTIVE RATEMAKING TERRITORY, EX PARTE NO. 297 (SUB-NO. 7)

Legal Authority: 49 USC 10321; 49 USC 10706; 5 USC 553

CFR Citation: 00 CFR none

Abstract: Proposal to allow motor carrier rate bureaus to expand the territorial scope of collective ratemaking activities beyond that presently authorized.

Timetable:

Action	Date	FR Cite
Notice of proposed consolidation of petitions and request for comments	03/20/84	49 FR 10381
Notice of oral argument	11/09/84	49 FR 44818
Interim decision	08/19/85	50 FR 33421
Decision pending completion of individual rate bureau agreements	00/00/00	

Small Entity: Undetermined

Additional Information: Decision served 8/16/85 withholds disposition of proceeding and holds matter in abeyance pending disposition of MC-82 rate bureau agreements; certified copies of record sent to appropriate Congressional committees.

Agency Contact: Robert Rothstein, Supervising Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7912**

RIN: 3120-AB25

3891. ● SHORT NOTICE EFFECTIVENESS FOR INDEPENDENTLY FILED SINGLE-FACTOR MOTOR-WATER RATES, EX PARTE NO. MC-170 (SUB-NO. 1)

Legal Authority: 49 USC 10321; 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1312

Abstract: Proposal to reduce the notice period for independently filed single-factor domestic motor-water rates for transportation of property to one day for rate decreases and seven days for rate increases.

Timetable:

Action	Date	FR Cite
NPRM	05/21/85	50 FR 20920
NPRM Comment Period Begin	05/21/85	50 FR 20920
NPRM Comment Period End	06/21/85	
Comments under review	00/00/00	

Small Entity: No

Agency Contact: Ardith Horne, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-1764**

RIN: 3120-AB26

3892. ● INTRAMODAL RAIL COMPETITION, EX PARTE NO. 445 (SUB-NO. 1)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10703; 49 USC 10705; 49 USC 10707; 49 USC 11103

CFR Citation: 49 CFR 1132.3

Abstract: The Commission proposes to adopt rules governing its handling of various competitive access issues, including joint rates and through routes, reciprocal switching, terminal trackage rights, and other intrarailroad operating practices.

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	50 FR 13051
NPRM Comment Period Begin	03/28/85	50 FR 21313
NPRM Comment Period End	07/08/85	
Comments under review	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, **202 275-7245**

RIN: 3120-AB27

3893. ● EXEMPTION OF RAILROADS FROM SECURITIES REGULATION UNDER 49 U.S.C. 11301, EX PARTE NO. 397

Legal Authority: 5 USC 553; 49 USC 10505; 49 USC 10321; 49 USC 11301

CFR Citation: 49 CFR 1175

Abstract: The Commission proposes to repeal 49 C.F.R. 1175 and to delete competitive bidding requirements on the sale of rail securities.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13841
NPRM Comment Period Begin	04/08/85	50 FR 19424
NPRM Comment Period End	06/07/85	
Draft decision being prepared	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, **202 275-7245**

RIN: 3120-AB28

3894. ● EXEMPTION FROM REGULATION - SHIPMENTS SUBSEQUENTLY MADE SUBJECT TO A CONTRACT RATE, EX PARTE NO. 387 (SUB-NO. 958)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10505

CFR Citation: 49 CFR 1039.19

Abstract: The Commission is considering whether to exempt rail

shipments made subject to a common carrier tariff if a section 10713 contract had been reached but not implemented at the time of the shipment.

Timetable:

Action	Date	FR Cite
NPRM	04/10/85	50 FR 14122
NPRM Comment Period Begin	04/10/85	50 FR 14122
Corrected Notice	05/09/85	50 FR 19558
NPRM Comment Period End	05/10/85	
Drafted decision being prepared	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AB29

3895. ● CERTIFICATION OF RAILROAD ANNUAL REPORT R-1 BY INDEPENDENT ACCOUNTANT, EX PARTE NO. 460

Significance: Agency Priority

Legal Authority: 49 USC 11145

CFR Citation: 49 CFR 1241

Abstract: This rule would require Class I railroads to submit a certified statement from an independent public accountant attesting to the conformity of the primary financial statements and selected schedules in the Annual Report Form R-1 with the Commission's accounting and reporting rules. This revision would provide an alternative to the almost continuous audits currently being performed by the Commission staff.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	50 FR 18539
NPRM Comment Period Begin	04/30/85	50 FR 18539
NPRM Comment Period End	06/17/85	
NPRM Comment Period Extended 06/17/85 to	07/17/85	50 FR 25282
NPRM Comment Period Extended 07/17/85 to	08/16/85	50 FR 29706
Final Action	01/00/86	
Final Action Effective	01/00/86	
Draft under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Bryan Brown, Jr., Chief, Section of Audit, Interstate Commerce Commission, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7510

RIN: 3120-AB30

3896. ● ELIMINATION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PASSENGERS, NO. 39953

Significance: Agency Priority

Legal Authority: 49 USC 11142; 49 USC 11145

CFR Citation: 49 CFR 1206; 49 CFR 1249

Abstract: This rule would eliminate the Uniform System of Accounts and revise the periodic reporting requirements for Class I motor common and contract carriers of passengers. The Commission believes these provisions are no longer necessary for Commission oversight of the ratemaking process. The Commission is proposing a new condensed report, applicable only to Class I motor carriers of passengers, to replace the current comprehensive annual and quarterly report forms. These changes should significantly reduce the carriers' accounting and reporting costs and burden.

Timetable:

Action	Date	FR Cite
NPRM	06/26/85	50 FR 26594
NPRM Comment Period Begin	06/26/85	50 FR 26594
NPRM Comment Period End	10/08/85	

Small Entity: No

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting & Reporting, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7448

RIN: 3120-AB31

3897. ● INTERNATIONAL JOINT THROUGH RATES INVOLVING OCEAN CARRIERS - REVISION OF TARIFF FILING REQUIREMENTS, EX PARTE NO. MC-175

Legal Authority: 49 USC 10321; 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1312

Abstract: Proposal to amend 49 CFR 1312.37 by eliminating the requirement that international joint through tariffs involving ocean carriers include the division or rate to be received by the domestic carrier for its share of the revenue covering a through shipment or aggregate of shipments under the tariff. The Commission is also seeking comments on proposals seeking elimination of all 49 CFR 1312.37 filing requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21636
NPRM Comment Period Begin	05/28/85	50 FR 21636
NPRM Comment Period End	06/27/85	
Draft final decision under preparation	00/00/00	

Small Entity: No

Agency Contact: Marc Lerner, Supervising Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7150

RIN: 3120-AB32

3898. ● ADOPTION OF NET SALVAGE FOR DEPRECIABLE RAILROAD PROPERTY, NO. 39325

Significance: Agency Priority

Legal Authority: 49 USC 10321

CFR Citation: 49 CFR 1201

Abstract: This rule would modify the accounting rules for recognizing the costs of dismantling, removing and retiring depreciable assets. The objective is to assure that all operating expenses associated with long term depreciable assets are recognized and written off during the useful lives of the assets. The proposal would require the separate maintenance of three components: (1) the usual write-off of the cost of the asset, (2) the write-off of the estimated cost of removing the asset from service, (3) the recognition of

the estimated salvage value of the asset when removed from service.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period Begin	11/00/85	
NPRM Comment Period End	01/00/86	
Final Action	03/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting & Reporting, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7448

RIN: 3120-AB33

INTERSTATE COMMERCE COMMISSION (ICC)

Existing Regulations Under Review

3899. PROCEDURES FOR REQUESTING RAIL VARIABLE COST AND REVENUES DETERMINATION FOR JOINT RATES SUBJECT TO SURCHARGE OR CANCELLATION, EX PARTE NO. 389

Legal Authority: 49 USC 10321; 49 USC 10705a; 5 USC 553

CFR Citation: 49 CFR 1031A

Abstract: The Commission has proposed procedures for obtaining relevant revenue and variable cost data under 49 USC 10705a.

Timetable:

Action	Date	FR Cite
Previous NPRM	11/03/80	45 FR 72665
NPRM	03/30/81	46 FR 19238
NPRM Comment Period Begin	03/30/81	46 FR 19238
NPRM Comment Period End	04/29/81	
End Review	00/00/00	
Presently under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120-AA57

3900. STAGGERS RAIL ACT OF 1980 - CONFERENCE OF INTERESTED PARTIES, EX PARTE NO. 456

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10311

CFR Citation: Not yet determined

Abstract: The Commission instituted this proceeding to (1) gather information from carriers and shippers regarding the problems and benefits arising from the implementation of recent legislation, particularly the Staggers Rail Act of 1980, and (2) provide a forum for direct discussion among these affected parties. The Commission hopes that this conference will lead to a more complete understanding of the changes that have occurred in rail transportation as a result of such legislation, and its implementation, and that it will assist the parties in resolving any problems that may exist.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/84	49 FR 36173
Record & results of sub-conference groups under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AB23

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

COMPLETED RULEMAKINGS

3901. RAILROAD CONSOLIDATION PROCEDURES - TRACKAGE RIGHTS EXEMPTION, EX PARTE NO. 282 (SUB-NO. 9)

Significance: Agency Priority

CFR Citation: 49 CFR 1180, (formerly 49 CFR 1111)

Completed:

Reason	Date	FR Cite
Final Action	04/19/85	
Final Action Effective	04/22/85	50 FR 15751

Small Entity: No

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AA09

3902. ZONE OF REASONABLENESS FOR CAR HIRE CHARGES, EX PARTE NO. 334 (SUB-NO. 5)

CFR Citation: 49 CFR 1033; 49 CFR 1036

Completed:

Reason	Date	FR Cite
Withdrawn	04/29/85	50 FR 16724

Small Entity: No

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AA13

3903. BRANCH LINE ACCOUNTING SYSTEM-RAILROADS

CFR Citation: 49 CFR 1201

Completed:

Reason	Date	FR Cite
Ongoing proceeding by statute	08/27/85	

Small Entity: Not Applicable

Agency Contact: James R. Wells 202 275-0840

RIN: 3120-AA23

3904. COSTING METHODOLOGIES FOR THE NORTHEAST CORRIDOR; COMMUTER SERVICE

CFR Citation: 00 CFR none

Completed:

Reason	Date	FR Cite
Ongoing proceeding by statute	08/27/85	

Small Entity: No

Agency Contact: Stephen M. Grimm 202 275-0816

RIN: 3120-AA31

3905. REASONABLY EXPECTED COSTS

CFR Citation: 49 CFR 1129

Completed:

Reason	Date	FR Cite
Ongoing proceeding by statute	08/27/85	

Small Entity: No

Agency Contact: James Wells 202 275-0840

RIN: 3120-AA32

3906. STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION

CFR Citation: 49 CFR 1125

Completed:

Reason	Date	FR Cite
Ongoing proceeding by statute	08/27/85	

Small Entity: Not Applicable

Agency Contact: James Wells 202 275-0840

RIN: 3120-AA33

3907. STANDARDS FOR DETERMINING COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES AND EMERGENCY OPERATING PAYMENTS

CFR Citation: 49 CFR 1127

Completed:

Reason	Date	FR Cite
Ongoing proceeding by statute	08/27/85	

Small Entity: Not Applicable

Agency Contact: Stephen M. Grimm 202 275-0839

RIN: 3120-AA34

3908. COAL RATE GUIDELINES - NATIONWIDE, EX PARTE NO. 347 (SUB-NO. 1)

Significance: Agency Priority

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	09/03/85	50 FR 35562

Small Entity: Undetermined

Agency Contact: Leslie J. Selzer 202 275-7627

RIN: 3120-AA52

3909. REVISION TO ACCOUNTING RULES FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY, DOCKET NO. 38837

Significance: Agency Priority

CFR Citation: 49 CFR 1207

Completed:

Reason	Date	FR Cite
Project was merged with No. 38904; accounting system proposed to be eliminated.	03/01/85	

Small Entity: No

Agency Contact: Francis R. Grisetti, Jr. 202 275-7448

RIN: 3120-AA85

3910. ELIMINATION OF PRESERVATION OF RECORDS RULES, DOCKET NO. 38849 (SUB-NO. 1)

Significance: Agency Priority

CFR Citation: 49 CFR 1220

Completed:

Reason	Date	FR Cite
Final Action commission action finished	03/15/85	50 FR 10774

Small Entity: Yes

Agency Contact: Francis R. Grisetti, Jr. 202 275-7448

RIN: 3120-AB10

3911. EX PARTE NO. 394 (SUB-NO. 1), COST RATIO FOR RECYCLABLES - 1983 DETERMINATION

CFR Citation: 49 CFR 1134

Completed:

Reason	Date	FR Cite
Final Action	07/26/85	50 FR 26416
Final Action Effective	07/26/85	50 FR 26416

Small Entity: No

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AB21

[FR Doc. 85-21508 Filed 10-28-85; 8:45 am]

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Tuesday
October 29, 1985

Part LVI

National Credit Union Administration

Semiannual Regulatory Agenda

NCUA

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of August 23, 1985. NCUA is also including this Agenda in the "Unified Agenda of Federal Regulations."

DATE: This information is current as of August 23, 1985.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: On a particular regulation, contact the person named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: The purpose of this Agenda is to enable the credit union community and the public to track regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. The Agenda is divided into three parts describing, respectively, (1) current rulemaking proceedings and regulatory reviews, (2) projected rulemaking and reviews and (3) actions completed since the last Agenda.

The Agenda is published pursuant to the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) and NCUA's statement of policy concerning development and review of regulations (IRPS 81-4, 46 FR 2948).

NCUA will voluntarily include this Agenda in the Office of Management and Budget's next publication of its "Unified Agenda of Federal Regulations." The NCUA Board believes that participation in this joint publication will further the public interest by including NCUA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Approved by the NCUA Board this 23rd day of August, 1985.

Rosemary Brady,

Secretary of the Board.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3912	Payout Priorities for Involuntary Liquidation of Federally Insured Credit Unions	3133-AA28
3913	Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the National Credit Union Administration	3133-AA29
3914	Credit Union Service Organizations	3133-AA46

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
3915	Requirements for Insurance	3133-AA09
3916	Advertisement of Insured Status	3133-AA10
3917	Reserves	3133-AA12
3918	Nondiscrimination Requirements	3133-AA17
3919	Description of Office, Disclosure of Official Records, Availability of Information, Promulgation of Regulations	3133-AA32
3920	Establishment of a Cash Fund	3133-AA34
3921	Refund of Interest	3133-AA36
3922	Community Development Credit Union Program	3133-AA37
3923	Rules of Board Procedure	3133-AA39
3924	Operational Procedures for Share Draft Programs; Federally Insured State Chartered Credit Unions	3133-AA42
3925	Other Applications	3133-AA44
3926	Definitions	3133-AA47
3927	Financial and Statistical and Other Reports	3133-AA48
3928	Loan Participation	3133-AA49
3929	Purchase, Sale and Pledge of Eligible Obligations	3133-AA50
3930	Compensation of Officials	3133-AA51
3931	Federal Credit Unions Acting as Depositories and Financial Agents of the Government	3133-AA53
3932	Borrowed Funds From Natural Persons	3133-AA54
3933	Clarification and Definition of Account Insurance Coverage	3133-AA55
3934	Records Preservation Programs	3133-AA56
3935	Mergers of Credit Unions	3133-AA59
3936	Division of Assets, Liabilities and Capital	3133-AA60

NCUA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3937	Supervisory Committee Audit	3133-AA13
3938	Federal Credit Union Insurance and Group Purchasing Activities	3133-AA30
3939	Operational Systems	3133-AA35
3940	Mergers of Credit Unions, Division of Assets, Liabilities, and Capital	3133-AA08
3941	Fees Paid by Federal Credit Unions	3133-AA57
3942	Insurance Premium and One Percent Deposit	3133-AA58

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Current and Projected Rulemakings

3912. PAYOUT PRIORITIES FOR INVOLUNTARY LIQUIDATION OF FEDERALLY INSURED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1766(b); 12 USC 1787(a)(2); 12 USC 1787(d); 12 USC 1789(11)

CFR Citation: 12 CFR 744

Abstract: This regulation would implement a change in the manner in which NCUA currently makes payouts as the liquidating agent of federally insured credit unions.

Review of comments received indicate that further evaluation is necessary.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	48 FR 52588
NPRM Comment Period Begin	11/00/83	48 FR 52588
NPRM Comment Period End	01/20/84	
No present schedule for further Board action	00/00/00	

Small Entity: No

Agency Contact: James J. Engel, Assistant General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, DC 20456, 202 357-1030

RIN: 3133-AA28

3913. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE NATIONAL CREDIT UNION ADMINISTRATION

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 794

Abstract: The proposed rule is a uniform rule to be adopted by Federal agencies which provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended. The Act prohibits discrimination on the basis of handicap as it applies to programs or activities conducted by the NCUA.

Timetable:

Action	Date	FR Cite
NCUA Board approved a Proposed Rule	01/18/84	
NPRM Comment Period End	12/26/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Benny R. Henson, Department of Administration, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1055

RIN: 3133-AA29

3914. CREDIT UNION SERVICE ORGANIZATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1784

CFR Citation: 12 CFR 701.27

Abstract: The notice of proposed rulemaking requests comment on several issues in an effort to revise and clarify the credit union service organization regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4698
NPRM Comment Period Begin	02/01/85	50 FR 4698
NPRM Comment Period End	03/29/85	
Board is expected to issue an NPRM with specific regulatory language by	10/01/85	

Small Entity: No

Agency Contact: Robert M. Fenner, Acting General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA46

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Existing Regulations Under Review

3915. REQUIREMENTS FOR INSURANCE

Legal Authority: 12 USC 1781 to 1790

CFR Citation: 12 CFR 741

Abstract: These regulations set forth criteria for determining the insurability of a credit union which makes application for insurance of its accounts pursuant to Title II of the Federal Credit Union Act. The review of this regulation will determine the need to update, revise and simplify these requirements. Section 741.7 was revised in October 1984. Section 741.5 was revised in May 1985. (See Number 3 of Completed Actions.)

Timetable:

Action	Date	FR Cite
Further action expected by	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Buckman, Director, National Credit Union Administration, Department of Insurance, 1776 G Street, NW, Washington, DC 20456, **202 357-1010**

RIN: 3133-AA09

3916. ADVERTISEMENT OF INSURED STATUS

Legal Authority: 12 USC 1785; 12 USC 1789

CFR Citation: 12 CFR 740

Abstract: These regulations prescribe requirements with regard to the official sign which insured credit unions must display and also pertain to requirements for advertising. The regulations will be reviewed to determine whether mandatory requirements are necessary and to update, simplify and revise, if necessary.

Timetable:

Action	Date	FR Cite
Further action expected	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Buckman, Director, National Credit Union Administration, Department of Insurance, 1776 G Street, NW, Washington, DC 20456, **202 357-1010**

RIN: 3133-AA10

3917. RESERVES

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702.1; 12 CFR 702.2

Abstract: These regulations set forth the requirements for the establishment and maintenance of a regular reserve (as provided by the Federal Credit Union Act) and set forth procedures for applications for approval to decrease reserves.

Timetable:

Action	Date	FR Cite
Further action expected by	12/31/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Michael Riley, Director, Office of Programs, (202) 357-1140.

Agency Contact: Robert Fenner, Acting General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA12

3918. NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Abstract: This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder. The regulation will be reviewed to simplify and revise as necessary.

Timetable:

Action	Date	FR Cite
Further action expected by	12/31/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA17

3919. DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS, AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

Legal Authority: 12 USC 1752a

CFR Citation: 12 CFR 790

Abstract: These regulations set forth the organizational format of the central and regional offices, information which may or may not be made available to the public and the procedures and costs for obtaining such information, procedures for the promulgation of agency rules and regulations, and National Security Information procedures.

Timetable:

Action	Date	FR Cite
Further action expected by	06/30/86	

Small Entity: No

Agency Contact: Benny R. Henson, National Credit Union Administration, Department of Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1055**

RIN: 3133-AA32

3920. ESTABLISHMENT OF A CASH FUND

Legal Authority: 12 USC 1757(12)

CFR Citation: 12 CFR 701.10

Abstract: This rule provides the regulatory authority to cash checks and money orders. The review will determine the need to update, revise, and simplify.

Timetable:

Action	Date	FR Cite
Further action expected by	12/31/85	

Small Entity: No

Agency Contact: Steven R. Bisker, Asst. General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA34

3921. REFUND OF INTEREST

Legal Authority: 12 USC 1766(a); 12 USC 1761b(9)

CFR Citation: 12 CFR 701.24

Abstract: This rule provides the conditions and limitations on an FCU making interest payment refunds to

members who paid interest on loans during a dividend period. The review will determine the need to update, revise and simplify the rule.

Timetable:

Action	Date	FR Cite
Recommendation to be made to NCUA Board	12/31/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA36

3922. COMMUNITY DEVELOPMENT CREDIT UNION PROGRAM

Legal Authority: 12 USC 1754; 12 USC 1758; 12 USC 1759; 12 USC 1766(f); 42 USC 2981; 42 USC 2985(e)

CFR Citation: 12 CFR 705

Abstract: This rule implements a demonstration program called the Community Development Credit Union (CDCU) Program. The program provides for seed capital funds and technical assistance to strengthen a limited number of credit unions and thereby enable them to deliver improved services to, and to aid in the revitalization and the economic development of, their communities. The funds dispersed under the program are scheduled for complete repayment by the end of fiscal year 1986. At that time the regulation will no longer be necessary.

Timetable:

Action	Date	FR Cite
End Review	01/31/86	
Recommendation to be made to cancel the regulation	06/30/86	

Small Entity: No

Agency Contact: Wilmer A. Theard, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA37

3923. RULES OF BOARD PROCEDURE

Legal Authority: 12 USC 1752a(d)

CFR Citation: 12 CFR 722

Abstract: This regulation sets forth the rules of procedure governing how the Board will conduct its business. The review will determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Further action expected by	12/31/85	

Small Entity: No

Agency Contact: Rosemary Brady, Secretary of the NCUA Board, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1100

RIN: 3133-AA39

3924. OPERATIONAL PROCEDURES FOR SHARE DRAFT PROGRAMS; FEDERALLY INSURED STATE CHARTERED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1785(f)(1)

CFR Citation: 12 CFR 761

Abstract: The rule provides the regulatory authority for federally insured state credit unions to offer share draft accounts. The review will determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Recommendation to be made to NCUA Board	12/31/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA42

3925. OTHER APPLICATIONS

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 701.5

Abstract: This rule specifies the manner in which applications, requests, or submittals to NCUA, not addressed in other sections of the regulations, shall be presented to the Agency. The review will determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Recommendation to be made to NCUA Board	12/31/85	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA44

3926. DEFINITIONS

Legal Authority: 12 USC 1752(5); 12 USC 1757(6); 12 USC 1766(a)

CFR Citation: 12 CFR 700.1

Abstract: The regulation sets forth basic definitions applicable in all of NCUA's regulations. The definitions will be revised for accuracy and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA47

3927. FINANCIAL AND STATISTICAL AND OTHER REPORTS

Legal Authority: 12 USC 1756; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.13

Abstract: This regulation sets forth reporting requirements for Federal credit unions. The regulation will be reviewed for accuracy and consistency with other regulations.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA48

3928. LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to participate in making loans with other credit unions, credit union organizations or financial organizations. The regulation will be reviewed to determine the need to update, revise and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/85	

Small Entity: No

Agency Contact: Yvonne Gilmore, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA49

3929. PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to purchase, sell or pledge a loan or group of loans. The regulation will be reviewed to determine the need to update, review and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/85	

Small Entity: No

Agency Contact: Yvonne Gilmore, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA50

3930. COMPENSATION OF OFFICIALS

Legal Authority: 12 USC 1761; 12 USC 1761a; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.33

Abstract: This regulation sets out the restrictions on compensation to Federal credit union directors and credit and supervisory committee members. The regulation will be reviewed for accuracy and consistency with the Federal Credit Union Act.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA51

3931. FEDERAL CREDIT UNIONS ACTING AS DEPOSITORIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37-2

Abstract: This regulation sets out the authority for and requirement of federally insured credit unions when they serve as depositories and financial agents of the United States government. It also lists the functions credit unions may perform in this capacity. The regulation will be reviewed for clarification and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/85	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA53

3932. BORROWED FUNDS FROM NATURAL PERSONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.38

Abstract: This regulation sets forth the requirements a Federal credit union must meet when it borrows funds from natural persons. The regulation will be reviewed to determine whether clarification or simplification is necessary.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/85	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA54

3933. CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

Legal Authority: 12 USC 1781; 12 USC 1782; 12 USC 1783; 12 USC 1784; 12 USC 1785; 12 USC 1786; 12 USC 1787; 12 USC 1788; 12 USC 1789; 12 USC 1790; 17 USC 1766

CFR Citation: 12 CFR 745

Abstract: This regulation sets forth definitions, general principles, and types of accounts that are insured by the National Credit Union Share Insurance Fund. This regulation will be reviewed for any necessary clarification and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Buckman, Director, National Credit Union Administration, Department of Insurance, 1776 G Street, NW, Washington, DC 20456, **202 357-1010**

RIN: 3133-AA55

3934. RECORDS PRESERVATION PROGRAMS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 749

Abstract: This regulation mandates that Federal credit unions maintain a records preservation program. It sets forth program implementation procedures and also lists what records must be stored. This regulation will be reviewed to determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA56

3935. ● MERGERS OF CREDIT UNIONS

Legal Authority: 12 USC 1766 to 1789

CFR Citation: 12 CFR 708

Abstract: This regulation sets forth procedural requirements for a credit union to merge with another credit union.

Timetable:

Action	Date	FR Cite
Initial staff review complete will be presented to NCUA Board by	11/30/85	

Small Entity: No

Additional Information: This is the result of a splitting of two regulations which appeared together in the previous computer printout. The previous RIN was 3133-AA08. The previous title was Mergers of Credit Unions, Division of Assets, Liabilities and Capital.

Agency Contact: Harvey Baine, Regional Director, Region II (Capital), National Credit Union Administration, 1776 G Street, NW, Washington, DC 20006, **202 682-1900**

RIN: 3133-AA59

3936. ● DIVISION OF ASSETS, LIABILITIES AND CAPITAL

Legal Authority: 12 USC 1766 to 1789

CFR Citation: 12 CFR 709

Abstract: This regulation prescribes the procedures to enable members of a Federal credit union who are a separately identifiable group to undertake an equitable division of their assets, liabilities and capital and to charter a new Federal credit union.

Timetable:

Action	Date	FR Cite
Initial staff review complete Further action will be taken by	12/31/85	

Small Entity: No

Additional Information: This is the result of a splitting of two regulations which appeared together in the previous computer printout. The previous RIN was 3133-AA08. The previous title was Mergers of Credit Unions, Division of Assets, Liabilities and Capital.

Agency Contact: Wilmer A. Theard, Division of Supervision and Examination, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA60

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Completed Actions

COMPLETED RULEMAKINGS

3937. SUPERVISORY COMMITTEE AUDIT

Legal Authority: 12 USC 1761d; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.12

Abstract: This regulation sets forth the responsibilities of the Supervisory Committee of Federal credit unions to make, or cause to be made, an annual audit. The review will cover issues related to the use of audits in conjunction with NCUA's examination responsibilities.

Timetable:

Action	Date	FR Cite
ANPRM	09/07/83	48 FR 41598
ANPRM Comment Period Begin	09/07/83	
ANPRM Comment Period End	12/15/83	
NPRM	04/26/84	49 FR 17951
NPRM Comment Period Begin	04/26/84	49 FR 17951
NPRM Comment Period End	07/18/84	
Final Action	03/05/85	50 FR 8708
Final Action Effective	03/05/85	50 FR 8708

Small Entity: No

Agency Contact: Don Sorrels or Lou Acuna, Director, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA13

3938. FEDERAL CREDIT UNION INSURANCE AND GROUP PURCHASING ACTIVITIES

Legal Authority: 12 USC 1757(15); 12 USC 1766(a)

CFR Citation: 12 CFR 721

Abstract: The proposed rule eliminates the reimbursement restrictions for the functions FCU's perform in connection with credit-related insurance.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30739
NPRM Comment Period Begin	08/01/84	49 FR 30739
NPRM Comment Period End	11/30/84	
Final Action	05/20/85	50 FR 20745
Final Action Effective	08/01/85	50 FR 20745

Small Entity: No

Agency Contact: Robert Fenner, Acting General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, N.W., Washington, DC 20456, **202 357-1030**

RIN: 3133-AA30

3939. OPERATIONAL SYSTEMS

Legal Authority: 12 USC 1766

CFR Citation: 12 CFR 723

Abstract: This Part has been deleted from the regulations. While serving a useful purpose at the time of promulgation, the rule has been of little importance in today's environment.

Timetable:

Action	Date	FR Cite
Final Action	05/03/85	50 FR 27417
Final Action Effective	05/03/85	50 FR 27417

Small Entity: No

Agency Contact: Martin Kushner, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA35

COMPLETED REVIEWS

3940. MERGERS OF CREDIT UNIONS, DIVISION OF ASSETS, LIABILITIES, AND CAPITAL

Legal Authority: 12 USC 1766 to 1789

CFR Citation: 12 CFR 708; 12 CFR 709

Abstract: These regulations set forth procedural requirements for a credit union to merge with another credit union. The regulations also prescribe procedures to enable members of a Federal credit union who are in a separately identifiable group to undertake an equitable division of their assets, liabilities and capital and to charter a new Federal credit union. The regulations will be reviewed to determine whether mandatory requirements are necessary or whether the subject may be covered in a manual.

Timetable:

Action	Date	FR Cite
NPRM will be presented to NCUA Board by	06/30/85	
Split into two new RINS	08/27/85	

Small Entity: No

Additional Information: This entry has been split in two. See data forms for complete information.

Agency Contact: Wilmer A. Theard, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA08

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

3941. ● FEES PAID BY FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1755; 12 USC 1766

CFR Citation: 12 CFR 701.6

Abstract: This rule clarifies the method by which the NCUA Board will determine the total assets against which the operating fee assessment for the following year is calculated in cases not covered under the prior regulation.

Timetable:

Action	Date	FR Cite
Final Action	05/20/85	50 FR 20744
Final Action Effective	05/20/85	50 FR 20744

Small Entity: No

Agency Contact: Robert Fenner, Acting General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA57

3942. ● INSURANCE PREMIUM AND ONE PERCENT DEPOSIT

Legal Authority: 12 USC 1781; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 741.5

Abstract: This rule clarifies the requirement for the share insurance fund deposit when (1) a credit union converts to a Federal charter or (2) a federally insured credit union acquires a nonfederally insured credit union.

Timetable:

Action	Date	FR Cite
Final Action	05/20/85	50 FR 20745
Final Action Effective	05/20/85	50 FR 20745

Small Entity: No

Agency Contact: Robert Fenner, Acting General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA58

[FR Doc. 85-21627 Filed 10-28-85; 8:45 am]

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Tuesday
October 29, 1985

Part LVII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NRC

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual Regulatory Agenda in accordance with Pub. L. 96-354, "the Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations." The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed, or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual Agenda on April 29, 1985 (50 FR 18154).

ADDRESSES: Comments on any rule in the Agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, N.W., Washington, D.C. between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the Agenda.

The Agenda and any comments received on any rule listed in the Agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Single copies of the NRC Quarterly Agenda can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, D.C. 20013-7082 at a cost of $6.00 each or $21.00 for an annual subscription. Customers may call (202) 275-2060 or (202) 275-2171.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this Agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492-7086. Persons outside the Washington, D.C. metropolitan area may call toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the Agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the Agenda is only required semiannually in April and October, the NRC has chosen to update and publish its Agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual Agenda on April 29, 1985 (50 FR 18154).

Organization of the Agenda

Rules in this Agenda are divided into two main categories, "Action Completed Rules" and "Current and Projected Rulemakings." Rules in the "Action Completed" category include all rules which have been finally promulgated or withdrawn since publication of the last semiannual Agenda.

"Current and Projected Rulemakings" contain those rules currently under development. This category is subdivided into three sections. Section I includes all rules which have been published in the **Federal Register** as proposed rules. Section II includes all rules which have been published in the **Federal Register** as advance notices of proposed rulemaking. Section III includes all unpublished rules on which the NRC expects to take action.

Within each category and section, the rules are ordered from lowest to highest 10 CFR part, and when more than one rule appears under the same part, the rules are arranged within the part according to the date of most recent publication. If a rule contains changes to more than one 10 CFR part, the rule is listed under the lowest affected part.

The information in this Agenda has been updated through September 30, 1985. The date included under the heading "timetable," for next scheduled action indicates the date the rule is scheduled to be published in the **Federal Register.** The date is considered tentative and is not binding on the Commission or its staff. This Regulatory Agenda is intended to provide increased notice and opportunity for public participation in the NRC rulemaking process. The NRC may, however, consider or act on any rulemaking even if it is not included in the Regulatory Agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations (EDO) initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve most effectively NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Rules that have received EDO approval to date are identified by the symbol (+) at the beginning of the title. As additional rules receive EDO approval, they will be identified in subsequent editions of this Agenda. Those unpublished rules whose further development has been terminated will be noted in this edition of the Agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking will be removed from the Agenda after publication of a notice of withdrawal.

The NRC Agenda lists 104 rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291. In the "Action Completed" category there are 17 completed actions. In the "Current and Projected Rulemaking" category: section I contains 45 proposed rulemakings; section II contains 11 advance notices of proposed rulemakings and section III contains 31 unpublished rulemakings. Nine rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland this 26th day of August 1985.

NRC

For the Nuclear Regulatory Commission.

J. M. Felton,

Director, Division of Rules and Records, Office of Administration.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
3943	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
3944	Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews	3150-AA03
3945	Possible Amendments to "Immediate Effectiveness" Rules	3150-AA04
3946	Modifications to the NRC Hearing Process (Limited Interrogatories and Factual Basis for Contentions)	3150-AA05
3947	Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule	3150-AA55
3948	Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors	3150-AB19
3949	Adjudications -- Special Procedures for Resolving Conflicts Concerning the Disclosure or Nondisclosure of Information	3150-AB78
3950	Nondiscrimination on Basis of Age in Federally Assisted Commission Programs	3150-AA06
3951	Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities	3150-AB63
3952	Minor Clarifying Amendments	3150-AC06
3953	Residual Contamination in Smelted Alloys	3150-AA10
3954	Decommissioning Criteria for Nuclear Facilities	3150-AA40
3955	Patient Dosage Measurement	3150-AA12
3956	+ Medical Use of Byproduct Material	3150-AA73
3957	+ Licenses and Radiation Safety Requirements for Well-logging Operations	3150-AB35
3958	+ Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards	3150-AB50
3959	+Uranium Mill Tailings Regulations: Ground Water Protection and Other Issues	3150-AB56
3960	+ Material Balance Reports	3150-AB82
3961	+ Technical Specifications for Nuclear Power Reactors	3150-AA22
3962	Fitness for Duty of Personnel with Access to Nuclear Power Plants	3150-AA27
3963	Safeguards Requirements for Nonpower Reactor Licensees Possessing Formula Quantities of Strategic Special Nuclear Material	3150-AA30
3964	Mandatory Property Insurance for Decontamination of Nuclear Facilities	3150-AA47
3965	Revision of Backfitting Process for Power Reactors	3150-AA59
3966	Notice and Comment on, Procedures for State Consultation on, and Standards for Making Determinations about Whether License Amendments Involve No Significant Hazards Considerations	3150-AA61
3967	+ Codes and Standards for Nuclear Power Plants (1983 Edition, Winter 1982 through Summer 1984 Addenda)	3150-AA83
3968	Operators' Licenses	3150-AA88
3969	Personnel Access Authorization Program (Part of Insider Package)	3150-AA90
3970	Protection of Contractor Employees	3150-AB07
3971	+Refinement of Emergency Planning Regulations	3150-AB48
3972	Limiting The Use of Highly Enriched Uranium in Domestic Research and Test Reactors	3150-AB60
3973	Consideration of Earthquakes in the Context of Emergency Preparedness	3150-AB75
3974	+ Modifications to GDC 4 Requirements for Protection Against Postulated Pipe Ruptures	3150-AB76
3975	Specific Exemptions	3150-AB93
3976	Explanation to Table S-3 Uranium Fuel Cycle Environmental Data	3150-AA31
3977	+ Disposal of High Level Radioactive Wastes in Geologic Repositories: Procedural Amendments	3150-AB47
3978	+ Material Control and Accounting Requirements for Licensees Possessing Formula Quantities of Strategic Special Nuclear Material	3150-AA50
3979	+ Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants (Part of Insider Rule Package)	3150-AA36
3980	+ Modification of Protection Requirements for Spent Fuel Shipments	3150-AA96
3981	+ Searches of Individuals at Power Reactor Facilities (Part of Insider Package)	3150-AB17
3982	+ Criteria for an Extraordinary Nuclear Occurrence	3150-AB01
3983	Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities	3150-AB04
3984	Rules of Practice for Domestic Licensing Proceedings: Role of NRC Staff in Adjudicatory Licensing Hearings	3150-AB42
3985	+ Standards for Protection Against Radiation	3150-AA38
3986	+ Improved Personnel Dosimeter Processing	3150-AA39
3987	+Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees	3150-AA41
3988	+ Financial Responsibility of Materials Licensees for Cleanup After Accidental and Unexpected Releases	3150-AB58
3989	Certification of Industrial Radiographers	3150-AA43
3990	Emergency Core Cooling Systems; Revisions to Acceptance Criteria Criteria	3150-AA44
3991	Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit	3150-AA46
3992	Modification of the Policy and Regulatory Practice Governing the Siting of Nuclear Power Reactors	3150-AA49
3993	Seismic and Geologic Siting Criteria for Nuclear Power Plants	3150-AA51

NRC

Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
3994	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
3995	Separation of Functions and Ex Parte Communications in On-the-Record Adjudications	3150-AA00
3996	+ Licensing Requirements for the Storage of Spent Fuel and High- Level Radioactive Waste	3150-AB70
3997	Criteria for Reopening Records in Formal Licensing Proceedings	3150-AB79
3998	Availability of Official Records	3150-AC07
3999	Retention Periods for Records	3150-AB43
4000	Nondiscrimination on the Basis of Sex - Title IX of the Education Amendments of 1972, as Amended	3150-AB53
4001	Nondiscrimination on the Basis of Handicap in Nuclear Regulatory Commission Programs	3150-AB54
4002	+ Revised Criteria and Procedures for Determining Eligibility for Access or Control Over Special Nuclear Material	3150-AB99
4003	+ Conforming Amendments to Prenotification, Quality Assurance, and Package Monitoring Requirements	3150-AB51
4004	Residual Radioactive Contamination Limits for Decommissioning	3150-AB52
4005	+Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance	3150-AA68
4006	+ Posting Requirements for the Protection of Contractor Employees and Extension of Criminal Penalties	3150-AC08
4007	+ Access Authorization for Licensee Personnel	3150-AB80
4008	Adjustment to Fee Schedule Publication	3150-AC00
4009	Licensing of Sources and Devices	3150-AB34
4010	Informal Hearing Procedures for Materials Licenses Proceedings	3150-AB83
4011	+ Radiation Surveys and In-House Inspection Systems in Radiography	3150-AB12
4012	Extension of Criminal Penalties	3150-AA80
4013	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
4014	+ Radon 222 Estimate for Table S-3	3150-AA87
4015	General Design Criterion on Human Factors	3150-AB13
4016	Station Blackout	3150-AB38
4017	+ Communications Procedures Amendments	3150-AB61
4018	+ Deletion of the Unusual Event Emergency Classification	3150-AB84
4019	Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
4020	Broad Scope Modification of General Design Criterion 4 Requirements For Protection Against Dynamic Effects of Postulated Pipe Ruptures	3150-AC05
4021	+ Part 51; Conforming Amendments	3150-AC04
4022	+ Definition of High-Level Radioactive Waste (HLW) in 10 CFR Part 60	3150-AB89
4023	Elimination of Inconsistencies between NRC Regulations and EPA Standards	3150-AC03
4024	+ Financial Responsibility Standards for Long Term Care for Low Level Waste Disposal Sites	3150-AB57
4025	+ Special Nuclear Material Physical Inventory Summary Reports	3150-AB26
4026	+ Rule to Amend the Transportation Provisions Pertaining to the Shipment of Low Specific Activity (LSA) Material	3150-AB33
4027	+ Physical Protection Requirements for Independent Spent Fuel Storage Installations (ISFSIs)	3150-AB27
4028	+ Reporting Requirements for Safeguards Events	3150-AB46
4029	+ Nuclear Regulatory Commission Acquisition Regulations	3150-AC01

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4030	Exceptions to Notice and Comment Rulemaking Procedures	3150-AB41
4031	Reports of Theft or Loss of Licensed Material	3150-AA64
4032	+ Implementation of the Convention on the Physical Protection of Nuclear Material	3150-AA92
4033	Pressurized Thermal Shock	3150-AB05
4034	+ Disposal of High-Level Radioactive Wastes in Geologic Repositories	3150-AB44
4035	Jurisdiction of Adjudicatory Boards	3150-AA53
4036	+ Access to and Protection of National Security Information and Restricted Data	3150-AB67
4037	Regional Nuclear Materials Licensing for Certain Federal Facilities	3150-AB81
4038	+ Physician's Use of Radioactive Drugs	3150-AB72
4039	Update of Table S-4, Part 51	3150-AB36
4040	Delegation of Subpoena Authority	3150-AB90
4041	Minor Correcting Amendments	3150-AB91
4042	Government in the Sunshine Regulations	3150-AB94
4043	Charges for the Production of Records	3150-AB97
4044	Emergency Planning Preparedness	3150-AB98
4045	Minor Clarifying Amendment: Definitions	3150-AC02
4046	Conduct of Employees; Minor Amendments	3150-AB87
4047	Public Records; Freedom of Information Act; Granting Appeals	3150-AB96

NRC

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
4048	Export of Reprocessing Plant Components	3150-AB92

NUCLEAR REGULATORY COMMISSION (NRC) — Current and Projected Rulemakings

PROPOSED RULES

3943. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Abstract: The proposed rule provides new provisions intended to implement the Equal Access to Justice Act (EAJA). The provisions would provide for the payment of fees and expenses to certain eligible individuals and businesses that prevail in adjudications with the agency when the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) that have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent by insuring the development of government-wide "uniform" agency regulations and by providing NRC procedures and requirements for the filing and disposition of EAJA applications. A final draft rule was sent to the Commission in June 1982, but Commission action has been suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. The decision from the Comptroller General has been rendered and is currently being analyzed.

More recently than the actions just discussed, however, (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period Begin	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: the President vetoed a version of a bill that would renew with some change the EAJA and requested that Congress submit another version. (November 12, 1984, Memorandum of Disapproval on H.R. 5479, Weekly Compilation of Presidential Documents, Volume 20, pp.1814-1816). This rule is being held in abeyance until another version of the EAJA has been passed.

Agency Contact: Beverly Segal, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3224

RIN: 3150-AA01

3944. LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION; ALTERNATIVE SITE REVIEWS

Legal Authority: 42 USC 2201; 42 USC 4332; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50; 10 CFR 51

Abstract: The proposed rule would focus on six major issues associated with alternative site selection for nuclear power plants; (1) information requirements, (2) timing, (3) region of interest, (4) selection of candidate sites, (5) comparison of the proposed sites with alternative sites, and (6) reopening of the alternative site decision. The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stabilize alternative site review of a license application by codification of the lessons learned in past and recent review of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would develop understandable written NRC review and decision making criteria to permit a rational and timely decision concerning the sufficiency of the alternative site analysis.

Alternatives to this rulemaking would include publishing a policy statement or regulatory guide or withdrawing the proposed rule. Each of these alternatives would be less efficient than completing the rulemaking. The provisions of the proposed (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24168
NPRM Comment Period Begin	04/09/80	45 FR 24168
NPRM Comment Period End	06/09/80	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: rule provide a flexible and reasoned approach to siting that would facilitate license review and make decisions more predictable. Confusion and controversy over this issue would be reduced. There would be no significant impact on costs other than savings that would result from greater certainty regarding the Commissions requirements. NRC resources necessary to complete this rulemaking are minimal. Approximately two-man months of staff time will be required to finalize this rule if the Commission decides to complete the rulemaking.

After considering the comments on the proposed rule, the Commission published a final rule on May 28, 1981 (46 FR 28630). That final rule addressed the sixth issue, reopening the construction permit or early site review stages insofar as it relates to operating license proceedings. Finalization of other portions of the proposed rule has been deferred until completion of a

comprehensive review of radionuclide source terms from reactor accidents.

Agency Contact: William R. Ott, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4615**

RIN: 3150-AA03

3945. POSSIBLE AMENDMENTS TO "IMMEDIATE EFFECTIVENESS" RULES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The proposed rule indicates that the Commission is considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the original "immediate effectiveness" rule (36 FR 828, January 19, 1971) construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision was subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have (1) allowed commitment of large sums of money to altering sites before a final decision was made on site-related issues and (2) promoted piecemeal review rather than promoting early resolution of all licensing issues to be considered. Present rules provide for limited review of ASLB decisions by the Atomic Safety and Licensing Appeal Board (ASLAB) and the Commission prior to issuance of construction permits.

This proposed rule would help to determine whether NRC should return to the former "immediate effectiveness" rule or adopt one of the following alternatives:(1) require the ASLAB (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/22/80	45 FR 34279
Interim Final Rule	12/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: to make a separate ruling on the question of effectiveness, or (2) require final ASLAB and Commission decisions on the merits of certain construction-related issues prior to authorizing issuances of the construction permit; (3) require final ASLAB and Commission decisions on the merits of all issues prior to authorizing issuances of the construction permit; and, return to the former "immediate effectiveness" rule, but relax the standards for obtaining a stay of the ASLAB decisions.

The public comment period on the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698) closed June 11, 1984. As a result of staff evaluation of these comments and further staff review of the "immediate effectiveness" issues, a rule is being proposed that will supersede this proposed rule and another entitled, "Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule."

Agency Contact: Beverly Segal, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AA04

3946. MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Legal Authority: 42 USC 2239

CFR Citation: 10 CFR 2

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. Expediting the hearing process should ultimately provide cost savings to all participants in the process. The content of this rule is being considered as part of the regulatory reform rulemaking package.

Timetable:

Action	Date	FR Cite
NPRM	06/08/81	46 FR 30349
ANPRM Regulatory Reform Rule	04/12/84	49 FR 14698

Next Action Undetermined

Small Entity: No

Agency Contact: James Tourtellote, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **202 634-1461**

RIN: 3150-AA05

3947. COMMISSION REVIEW PROCEDURES FOR POWER REACTOR CONSTRUCTION PERMITS; IMMEDIATE EFFECTIVENESS RULE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the immediate effectiveness rule with regard to rules of practice for granting a power reactor construction permit to conform to those for granting an operating license. It (1) would retain the requirement that the Commission conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would delete the requirement that an Atomic Safety and Licensing Appeal Board conduct a similar review. The proposed rule would not affect the separate Appeal Board and Commission appellate reviews of the merits of Licensing Board decisions. It would reduce somewhat the time required for administrative review of construction permit decisions while retaining direct Commission oversight prior to permit issuance.

The comment period closed November 24, 1982. Nine comments were received. Half of the comments favored the proposed rule while half opposed it. This proposed rule does not preclude further action on five alternatives for amending the "Immediate effectiveness" rule presented in an earlier notice on (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/25/82	47 FR 47260
NPRM Comment Period Begin	10/25/82	47 FR 47260

Action	Date	FR Cite
NPRM Comment Period End	11/24/82	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: May 22, 1980 (45 FR 34279).

The public comment period on the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698) closed June 11, 1984. As a result of staff evaluation of these comments and further staff review of the "immediate effectiveness" issues, a rule is being proposed that will supersede this proposed rule and another entitled, "Possible Amendments to 'Immediate Effectiveness' Rules."

Agency Contact: Martin G. Malsch, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1465**

RIN: 3150-AA55

3948. HYBRID HEARING PROCEDURES FOR EXPANSIONS OF ONSITE SPENT FUEL STORAGE CAPACITY AT CIVILIAN NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2201; 42 USC 2239

CFR Citation: 10 CFR 2; 10 CFR 72

Abstract: The proposed rule contains two options for implementing the hybrid hearing process in Section 134 of the Nuclear Waste Policy Act of 1982. That section sets forth a hybrid hearing process for certain contested proceedings on applications for a license or a license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. Either version of the proposed rule would provide for an oral argument in the early stage of the hearing process and would designate only genuine and substantial issues for resolution in an adjudicatory hearing. Option 1 would add a new Subpart K to Part 2. Subpart K would require the use of hybrid procedures in all proceedings to which section 134 applies. It would also change the initial stages of the existing hearing process by allowing a person whose interest is affected to participate as a party and to obtain discovery without the need to plead contentions. Option 2 would permit the use of hybrid procedures at the request of any party to the proceeding. It would be implemented by means of an alternative form of summary disposition under a new Sec. 2.749a. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/05/83	48 FR 54499
NPRM Comment Period Begin	12/05/83	49 FR 414
NPRM Comment Period End	02/20/84	
FINAL RULE FOR DIVISION REVIEW	04/09/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	04/23/85	
FINAL RULE PACKAGE TO EDO	06/21/85	
FINAL RULE PUBLISHED	10/00/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: In all other respects, the existing Part 2 procedures would apply. The Commission sought comments on both proposals to aid in its choice of procedures for the final rule.

The hybrid hearing procedures are intended to simplify and expedite the licensing process for spent fuel storage facility expansions and transshipments. The proposed rule is needed to permit full realization of those statutory purposes. Because section 134 applies by its terms to applications filed after January 7, 1983, a final rule should be developed as soon as practicable. There are no alternatives to rulemaking that would meet the statutory objectives. The rule will simplify and expedite the hearing process resulting in less costly and shorter hearings for license applicants, intervenors, the NRC staff, and the Licensing Boards. Members of the public who seek to participate in NRC licensing proceedings will have an opportunity to request an oral argument but will be required to make a stronger showing of need in order to require that an adjudicatory hearing be held.

Agency Contact: Linda S. Gilbert, Nuclear Regulatory Commission, Office of Executive Legal Director, Washington, DC 20555, **301 492-7678**

RIN: 3150-AB19

3949. ADJUDICATIONS -- SPECIAL PROCEDURES FOR RESOLVING CONFLICTS CONCERNING THE DISCLOSURE OR NONDISCLOSURE OF INFORMATION

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission is considering amending its rules of practice to provide special procedures for resolving conflicts concerning the disclosure or nondisclosure of information relating to an NRC investigation or inspection or provided by a confidential source and deemed relevant and material to an adjudication. Prepared at the express direction of the Commission, the proposed amendments apply to all NRC offices that have information relevant and material to an adjudication. The proposed amendments provide for ex parte in camera presentations and follow guidance contained in the Commission's recent statement of policy on investigations, inspections, and adjudicatory proceedings.

Timetable:

Action	Date	FR Cite
NPRM	05/22/85	50 FR 21036
NPRM Comment Period Begin	05/22/85	50 FR 30446
NPRM Comment Period End	08/23/85	
FINAL RULE FOR DIVISION REVIEW	01/00/86	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	03/00/86	
FINAL RULE PACKAGE TO EDO	04/00/86	
FINAL RULE PUBLISHED	05/00/87	

Small Entity: No

Agency Contact: Jane R. Mapes, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8695**

RIN: 3150-AB78

3950. NONDISCRIMINATION ON BASIS OF AGE IN FEDERALLY ASSISTED COMMISSION PROGRAMS

Legal Authority: 42 USC 6101

CFR Citation: 10 CFR 4

Abstract: The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The proposed rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR 90. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/21/81	46 FR 46582
NPRM Comment Period Begin	09/21/81	
NPRM Comment Period End	11/20/81	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	09/00/85	
FINAL RULE PACKAGE TO EDO	10/00/85	
FINAL RULE PUBLISHED	11/00/85	
Final Action	11/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: A copy of the draft final regulations was transmitted to the Office of the General Counsel of the Civil Rights Division, HHS to comply with the requirement that final agency regulations not be published until the Secretary of HHS approved them. HHS has indicated its approval of the draft final rule in a letter transmitted to the NRC.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization/Civil Rights, Washington, DC, **301 492-7697**

RIN: 3150-AA06

3951. PRODUCTION OR DISCLOSURE IN RESPONSE TO SUBPOENAS OR DEMANDS OF COURTS OR OTHER AUTHORITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Abstract: The proposed rule would add Subpart D to 10 CFR Part 9 to prescribe procedures with respect to the production of documents or disclosure of information in response to subpoenas or demands of courts or other judicial or quasi-judicial authorities in state and Federal proceedings. The proposed rule would clarify the procedures to be followed by Commission employees in responding to demands for testimony, information, or documents and would ensure that the responsibility for determining the response to the demands is placed on the appropriate Commission official. The rule will allow the Office of General Counsel more control over Commission information and documents subpoenaed in litigation to which the NRC is not a party. There is no alternative to rulemaking for this issue. This rule will require those who seek to use current or former NRC employees in their litigation to submit certain information to the NRC; however, the Commission has decided that this slight inconvenience is warranted in these circumstances. Because this rule is almost ready for publication, the NRC resources consumed in (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/10/84	49 FR 28012
NPRM Comment Period Begin	07/10/84	49 FR 28012
NPRM Comment Period End	08/09/84	
Final Action	09/30/85	

Small Entity: No

Additional Information: ABSTRACT CONT: publishing it will be minimal.

Agency Contact: Theresa W. Hajost, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1493**

RIN: 3150-AB63

3952. ● MINOR CLARIFYING AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Abstract: The NRC is proposing to amend its regulations pertaining to the availability of records under the Freedom of Information Act to clarify and conform them to existing case law and to reflect long-standing agency practice. In addition, the NRC is proposing to amend its regulations to conform the reproduction costs for Privacy Act records to those currently charged at the NRC's Public Document Room and other NRC offices for publicly available documents.

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	50 FR 31192
NPRM Comment Period Begin	08/01/85	50 FR 31192
NPRM Comment Period End	09/02/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: J.M. Felton, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7211**

RIN: 3150-AC06

3953. RESIDUAL CONTAMINATION IN SMELTED ALLOYS

Legal Authority: 42 USC 2021; 42 USC 2073; 42 USC 2077; 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 70; 10 CFR 150

Abstract: The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small

amounts of these radioactive materials. This requirement also prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials. The NRC issued the proposed rule in response to a Department of Energy request. A draft environmental statement for this action has been prepared.

Timetable:

Action	Date	FR Cite
NPRM	10/27/80	45 FR 70874
NPRM Comment Period Begin	10/27/80	45 FR 70874
NPRM Comment Period End	12/11/80	
Environmental Impact Statement	04/30/84	
NPRM WITHDRAWAL NOTICE FOR DIVISION REVIEW	07/22/85	
OFFICE CONCUR-RENCE ON WITHDRAWAL NOTICE COMPLETED	08/06/85	
NPRM WITHDRAWAL PACKAGE TO EDO	09/30/85	
NPRM WITHDRAWAL NOTICE PUBLISHED	10/31/85	
Final Action	10/31/85	

Small Entity: No

Analysis: Draft Environmental Statement 10/27/80 (45 FR 20874)

Agency Contact: D. R. Hopkins, Nuclear Regulatory Commission, Nuclear Regulatory Research, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AA10

3954. DECOMMISSIONING CRITERIA FOR NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70; 10 CFR 72

Abstract: The advance notice of proposed rulemaking sought comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licenses. This action is intended to protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning. Although it is planned to provide additional guidance through regulatory guides, it is necessary to amend the regulations in order to achieve appropriate assurances that funds for decommissioning will be available.

The major cost impact of the proposed rule would involve proper planning at all stages of nuclear facility operation. Proper planning includes providing for (1) financial assurance that funding will be available for decommissioning, (2) maintenance of records that could affect decommissioning, and (3) careful(cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/13/78	43 FR 10370
NPRM	02/11/85	50 FR 5600
NPRM Comment Period Begin	02/11/85	50 FR 23025
NPRM Comment Period End	07/12/85	
FINAL RULE FOR DIVISION REVIEW	05/15/86	
OFFICE CONCUR-RENCE ON FINAL RULE COMPLETED	09/15/86	
FINAL RULE TO EDO	12/15/86	
FINAL RULE PUBLISHED	03/30/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: planning of procedures at the time of decommissioning. For non-reactor facilities affected by financial assurance requirements, it is estimated that the major impact will result in an aggregate expenditure of 21 staff-years ($1.6 million) spread over 5 years (or 320,000 per year).

For the approximately 80 operating reactors plus 75 research and test reactors, it is estimated that the major impact will result in an aggregate expenditure of 3.8 staff-years ($288,000) spread over 3 years. These expenditures will ensure that adequate measures have been taken to protect the health and safety of occupational workers, the public, and the environment within the confines of optimum cost benefit consideration.

Analysis: Draft Environmental Statement 02/10/81 (46 FR 11666)

Agency Contact: Keith G. Steyer/Catherine Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7910**

RIN: 3150-AA40

3955. PATIENT DOSAGE MEASUREMENT

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: Each specific NRC medical licensee is currently required by license condition to measure radiopharmaceutical dosage before it is administered to a patient. This proposed rule is intended to ensure the consistent application of the requirement and to simplify licensing by replacing the individual license conditions with a single regulatory requirement that would apply to all current and future medical licensees. The proposed rule will require licensees to measure each dosage and make a record of each measurement. Because the requirement is currently imposed by license condition, there will not be cost savings or additional burden; however, the industry and NRC will benefit by having a clear, concise requirement in the regulation. The proposed rule is being incorporated into a proposed revision of 10 CFR Part 35 (See RIN-3150-AA-73 Medical Use of Byproduct Material).

Timetable:

Action	Date	FR Cite
NPRM	09/01/81	46 FR 43840
NPRM Comment Period Begin	09/01/81	46 FR 43840
NPRM Comment Period End	11/30/81	
Final Action	07/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $690,000; Yearly Recurring Cost:. $69C,000; Base Year for Dollar Estimates: 1981

Analysis: Preliminary RIA 09/00/81

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4108**

RIN: 3150-AA12

3956. + MEDICAL USE OF BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 35

Abstract: The proposed rule would revise Part 35 to modify the process for licensing and regulating the medical use of radioactive byproduct material. Requirements that apply to medical licensees are scattered in the regulations, license conditions, the individual licensee's application, and licensing branch policy statements. The purpose of the proposed rule is to consolidate and codify the requirements in the regulation. This rule will result in a clearer understanding of NRC requirements for all medical licensees. This revision is necessary in order to provide a clear consolidated statement of requirement. The only way to impose requirements on all licensees is by license condition or regulation; therefore no alternative action was considered. Because most of the requirements contained in this regulation are currently imposed by regulation or license condition, there will be no significant cost savings or additional burden; the industry and NRC will benefit by having a clear, concise, complete regulation. The Commission approved publication of the proposed revision, but has some comments that need to be resolved before the proposed rule can be published for public comment. (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	50 FR 30616
NPRM Comment Period Begin	07/26/85	50 FR 30616
NPRM Comment Period End	11/18/85	
Final Action	07/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT:

A previously published proposed rule requiring that the activity of each radiopharmaceutical dosage be measured before it is administered to a patient has been incorporated into this proposed revision of Part 35. (See 46 FR 43840; September 1, 1981 - RIN 3150-AA12 Patient Dosage Measurement).

Analysis: Preliminary RIA 03/00/83

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4108**

RIN: 3150-AA73

3957. + LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL-LOGGING OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 39

Abstract: The proposed rule would establish specific radiation safety requirements applicable to licensees who perform operations such as well-logging, mineral-logging, radioactive markers, and subsurface use of radioactive materials in tracer studies. The proposed rule is necessary because current NRC regulations address these operations in a general way without providing the specific guidance necessary to ensure that these operations are performed safely. As an alternative to the status quo, the proposed rule would adopt the requirements similar to those in the suggested State Regulations for Control of Radiation Part W as new NRC regulations. The potential costs for industry to implement these requirements would be about $1,300,000/yr. However, because most of the requirement is already imposed by license conditions, the net increase in cost would be about $350,000 per year for the industry or about $2000 per licensee. The rule would establish a consistent, comprehensive set of requirements that would minimize the effort required to obtain reciprocity for NRC licensees to operate in Agreement States or vice versa. The rule would require about one staff-year effort.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13797
NPRM Comment Period Begin	04/08/85	50 FR 13797
NPRM Comment Period End	07/08/85	
COMMENT PERIOD EXTENDEDTO	10/09/85	50 FR 32086
FINAL RULE FOR DIVISION REVIEW	10/15/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	02/15/86	
FINAL RULE PACKAGE TO EDO	03/30/86	
FINAL RULE PUBLISHED	06/30/86	

Small Entity: No

Agency Contact: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7901**

RIN: 3150-AB35

3958. + URANIUM MILL TAILINGS REGULATIONS: CONFORMING NRC REQUIREMENTS TO EPA STANDARDS

Legal Authority: 42 USC 2014; 42 USC 2092; 42 USC 2093; 42 USC 2094; 42 USC 2095; 42 USC 2111; 42 USC 2113; 42 USC 2114; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2282; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 40

Abstract: The proposed rule would revise the Nuclear Regulatory Commission's regulations governing the disposal of uranium mill tailings to conform them to regulations recently published by the Environmental Protection Agency that set standards for protecting the environment from these wastes. The proposed rule would remove inconsistencies between NRC and EPA requirements and incorporate in NRC regulations the stability, radon release, and other provisions of the EPA standard not related to groundwater. This action is necessary to comply with provisions of the Uranium Mill Tailings Radiation Control Act and the NRC Authorization Act for FY 1983; therefore no alternatives to this action need to be considered. EPA has estimated that compliance with their recently published regulations would cost the uranium milling industry from about $310 million to $540 million to dispose of all existing tailings and tailings to be generated by the year 2000. This includes the costs of the groundwater

protection provisions which are to be addressed in future NRC rule changes. The EPA regulations are binding on NRC licensees in the interim. The final rule is under review by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	11/26/84	49 FR 46418
NPRM Comment Period Begin	11/26/84	50 FR 2293
NPRM Comment Period End	02/10/85	
FINAL RULE FOR DIVISION REVIEW	04/19/85	
FINAL RULE PACKAGE TO EDO	05/03/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	05/03/85	
FINAL RULE PACKAGE TO COMMISSION	05/20/85	
FINAL RULE PUBLISHED	10/31/85	
Final Action	10/31/85	

Small Entity: No

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4300**

RIN: 3150-AB50

3959. +URANIUM MILL TAILINGS REGULATIONS: GROUND WATER PROTECTION AND OTHER ISSUES

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 7901 Note

CFR Citation: 10 CFR 40

Abstract: The advance notice of proposed rulemaking seeks comment on NRC's tentative approach to making further amendments to its uranium mill tailings regulations. The contemplated rulemaking proceeding is intended to incorporate groundwater provisions and other requirements established by the Environmental Protection Agency for similar hazardous wastes into NRC regulations. This action is necessary to make NRC regulations consistent with EPA standards as required by the Uranium Mill Tailings Radiation Control Act. Alternatives to this action involve timing and scope. Comments on th ANPRM will help define the nature and scope of the action. EPA has estimated that compliance with their groundwater standards and with the stability, radon release, and other requirements recently promulgated will cost the industry from about $310 million to $540 million for all tailings generated by the year 2000. The range depends on the eventual cost of groundwater protection for future tailings. The EPA regulations are binding on NRC licensees in the interim. Estimates of NRC resources are still being developed.

Timetable:

Action	Date	FR Cite
ANPRM	11/26/84	49 FR 46425
ANPRM Comment Period Begin	11/26/84	50 FR 2293
ANPRM Comment Period End	03/01/85	
PROPOSED RULE FOR DIVISION REVIEW	12/20/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	01/17/86	
PROPOSED RULE PACKAGE TO EDO	01/31/86	
NPRM	05/23/86	
PROPOSED RULE PUBLISHED	05/23/86	
FINAL RULE PUBLISHED	04/22/87	

Small Entity: No

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, D.C. 20555, **301 427-4300**

RIN: 3150-AB56

3960. + MATERIAL BALANCE REPORTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40; 10 CFR 70; 10 CFR 150

Abstract: The proposed rule would amend the requirements applicable to the submission of source material and special nuclear material inventory reports. The proposed rule would eliminate the requirement to report inventories on Form 742 for all licensees except those reporting under the US/IAEA Safeguards Agreement. The proposed rule would also eliminate the requirement to report inventories for all licensees except those for nuclear reactors and those reporting under the agreement. The NRC would generate an equivalent inventory report, based on the data submitted by each affected licensee; and the licensee would verify the accuracy of the report. This amendment would reduce the reporting burden imposed on the licensee without adversely affecting the domestic safeguards program on the ability to satisfy international commitments. The proposed reduction would result in a total cost savings of $39,000 for affected licensees.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19695
NPRM Comment Period Begin	05/10/85	50 FR 19695
NPRM Comment Period End	07/09/85	
FINAL RULE FOR DIVISION REVIEW	10/00/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	11/00/85	
FINAL RULE PACKAGE TO EDO	12/00/85	
FINAL RULE PUBLISHED	02/00/86	

Small Entity: No

Agency Contact: June Robertson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC, **301 427-4004**

RIN: 3150-AB82

3961. + TECHNICAL SPECIFICATIONS FOR NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposed rule would (1) establish a standard for deciding which items derived from the safety analysis report

must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval.

The changes are needed because of disagreement among parties to proceedings as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant.(cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/08/80	45 FR 45916
ANPRM Comment Period Begin	07/08/80	45 FR 45916
ANPRM Comment Period End	09/08/80	
NPRM	03/30/82	47 FR 13369
NPRM Comment Period Begin	03/30/82	47 FR 13369
NPRM Comment Period End	06/01/82	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: The proposed rule would improve the safety of nuclear power by placing more emphasis on those specifications of high safety significance, and provide more efficient use of NRC and licensee resources. The NRC staff has estimated that each of the affected 21 licensees should utilize the proposed method for changing supplemental specifications approximately twice a year. The total additional yearly burden to resubmit a revoked change for all 21 affected licensees would be approximately 101 staff hours.

The future milestones for this rule have not been established because the rule is on hold, pending determination as to whether or not the rule will be continued.

Agency Contact: Don Beckham, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-7803**

RIN: 3150-AA22

3962. FITNESS FOR DUTY OF PERSONNEL WITH ACCESS TO NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2236; 42 USC 2237

CFR Citation: 10 CFR 50

Abstract: At a Commission meeting, October 17, 1984, the Commission directed the staff to draft a policy statement on programs for training and qualification in lieu of publishing this proposed "Fitness for Duty" rule and other proposed training and qualification amendments. On December 10, 1984, the NRC decided to separate the policy statement on fitness for duty from the policy statement on training and qualifications. Therefore, this proposed rule is being withdrawn. The policy is being established to allow power reactor applicants and licensees to develop and implement their own fitness-for-duty programs during a 2-year period. Nothing in the policy statement limits NRC's authority or responsibility to follow up on operational events or its enforcement authority when regulatory requirements are not met.

A proposed policy statement was submitted to the Commission on January 1, 1985; as SECY 85-21. A proposed fitness for duty withdrawal statement was submitted to the Commission on April 12, 1985, as SECY 85-21A. Both SECY 85-21 and 85-21A await disposition by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	08/05/82	47 FR 33980
NPRM Comment Period Begin	08/05/82	47 FR 33980
NPRM Comment Period End	10/04/82	

Next Action Undetermined

Small Entity: No

Agency Contact: Thomas Ryan, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7619**

RIN: 3150-AA27

3963. SAFEGUARDS REQUIREMENTS FOR NONPOWER REACTOR LICENSEES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2071; 42 USC 2073; 42 USC 2133; 42 USC 2134; 42 USC 2152; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2273; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50; 10 CFR 70; 10 CFR 73

Abstract: When the Commission approved the set of final physical protection requirements for fuel cycle facilities possessing formula quantities (five formula kilograms or more) of strategic special nuclear material (SSNM), they exempted nonpower reactors from these requirements and, instead specified a set of interim requirements. At that time the staff was directed to develop a set of permanent physical protection requirements for this class of nonpower reactors. This rulemaking is needed: (1) to replace current interim regulations and establish permanent physical security requirements for nonpower reactor licensees who possess a nonexempt formula quantity of SSNM, (2) to provide protection against insiders, and (3) to arrange for a response by local law enforcement or other agencies in time to prevent a theft of a formula quantity. The staff is using a performance-oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the final rule by allowing licensees to take advantage of existing facility design features. Not more than three facilities are expected to have to implement these (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/79	44 FR 68199
Previous NPRM	09/18/81	46 FR 46333
NPRM	07/27/83	
NPRM Comment Period Begin	07/27/83	48 FR 34056
Proposed Rule limited to Part 73	07/27/83	48 FR 34056
NPRM Comment Period End	11/28/83	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: requirements at an estimated cost increase of $1,100 to $5,100 for improvements and $300 to $7,900 for annual operating costs per facility. Public comments on the new NPRM have been received and analyzed. Further action on this rule has been deferred based on a February 23, 1984 memorandum from the Office of Secretary.

Public Compliance Cost: Initial Cost: $12,000; Yearly Recurring Cost: $21,000; Base Year for Dollar Estimates: 1983

Agency Contact: Carl J. Withee, Nuclear Regulatory Commission, Office of Nuclear Materials Safety and Safeguards, Washington, DC 20555, **301 427-4768**

RIN: 3150-AA30

3964. MANDATORY PROPERTY INSURANCE FOR DECONTAMINATION OF NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require an increase in the amount of on-site property damage insurance from the current minimum of $585 million to $1.02 billion. The NRC believes that such insurance should be required so that the financing and pace of cleanup following an accident does not become a public health and safety problem. Recent studies indicate that as much $1.02 billion may be required to cover on-site cleanup of the worst reactor accidents if inflation and other factors are included. Other issues addressed in the proposed rule are whether the Federal government can preempt State law that prohibits certain public utilities from buying insurance offered by mutual companies or requiring payment of a retrospective premium and whether a priority of payment of insurance proceeds for decontamination and cleanup can be imposed. Action in these areas is required for the same reason as imposition of general insurance requirements, i.e. to remove the financial aspects of recovery after an accident from having an adverse impact on public health and safety.

Alternatives to the proposed rule that were considered included (1) requiring a lower dollar amount and (2) not explicitly(cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/24/82	47 FR 27371
ANPRM Comment Period Begin	06/24/82	47 FR 27371
ANPRM Comment Period End	09/22/82	
NPRM	11/08/84	49 FR 44645
NPRM Comment Period Begin	11/08/84	49 FR 44645
NPRM Comment Period End	02/07/85	
FINAL RULE FOR DIVISION REVIEW	05/17/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	09/27/85	
FINAL RULE PACKAGE TO EDO	12/15/85	
FINAL RULE PUBLISHED	01/31/86	

Small Entity: No

Additional Information: ABSTRACT CONT: requiring insurance above that currently required but rather allowing the necessity for additional insurance to be determined by economic regulators at the State level.

The impact of the proposed rule on licensees would probably not be large. Most licensees currently purchase insurance in excess of $1.02 billion. Approximately 10 licensees would be required to carry more insurance than they otherwise would for an annual incremental premium cost of roughly $1 million per year. Thus the total impact of the rule would be approximately $10 million per year. The impact on the public would generally be positive in that public health and safety would be better protected. The impact on the NRC would be minimal with respect to increasing the amount of insurance. A decontamination priority, if it were invoked, could require additional hearings with attendant costs. One-half of a staff-year is required by OSP to continue the rulemaking, with minimal impact on other offices expected.

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555, **301 492-9885**

RIN: 3150-AA47

3965. REVISION OF BACKFITTING PROCESS FOR POWER REACTORS

Legal Authority: 42 USC 2021; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 4332; 42 USC 4334; 42 USC 4335; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule is being initiated by the Nuclear Regulatory Commission to establish requirements for long-term management of its review process for the imposition of new regulatory requirements on power reactors. More specifically, the objective of the rulemaking is to address "backfitting", a process which can include both plant specific changes and generic changes as applied to one or more classes of power reactors. This rulemaking would revise 10 CFR 50.54, 50.109, 2.204, and add a conforming amendment to Appendix O. The rule is intended to reduce costs of "backfitting" for licensees through better management of this review process.

Timetable:

Action	Date	FR Cite
ANPRM	09/28/83	48 FR 44217
ANPRM Comment Period End	10/28/83	
NPRM	11/30/84	49 FR 47034
NPRM Comment Period Begin	11/30/84	49 FR 47034
NPRM Comment Period End	01/29/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: James Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **202 634-1461**

RIN: 3150-AA59

3966. NOTICE AND COMMENT ON, PROCEDURES FOR STATE CONSULTATION ON, AND STANDARDS FOR MAKING DETERMINATIONS ABOUT WHETHER LICENSE AMENDMENTS INVOLVE NO SIGNIFICANT HAZARDS CONSIDERATIONS

Legal Authority: 42 USC 2201; PL 97-415

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The NRC is publishing a single final rule that combines the two interim final rules implementing, in part,

PL 97-415. Modifications to the final rule are based on further staff review and evaluation of public comments received on the two rules. The rules were published on April 6, 1983 (48 FR 14868). They specify criteria for notice and public comment on, procedures for State consultation on, and standards for making determinations about whether amendments to operating licenses for certain facilities involve no significant hazards considerations. In addition, the rules specify procedures for consultation on these determinations with the State in which the facility of the licensee requesting the amendment is located. The rules permit the Commission to act expeditiously if circumstances surrounding a request for an amendment require prompt response and to issue an amendment before holding any required hearing, unless a significant hazards consideration is involved.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/06/83	48 FR 14876
IFR COMMENT PERIOD BEGIN	04/06/83	
IFR COMMENT PERIOD END	05/06/83	
FINAL RULE FOR DIVISION REVIEW	02/20/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	06/10/85	
FINAL RULE PACKAGE TO EDO	06/11/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Thomas F. Dorian, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8690**

RIN: 3150-AA61

3967. + CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (1983 EDITION, WINTER 1982 THROUGH SUMMER 1984 ADDENDA)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would incorporate by reference the Winter 1982 Addenda, Summer 1983 Addenda, Winter 1983 Addenda, Summer 1984 Addenda, and the 1983 Edition of Section III, Division I, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the Winter 1982 Addenda, Summer 1983 Addenda, and the 1983 Edition of Section XI, Division I, of the ASME Code. The ASME Code sets standards for the construction of light-water-reactor nuclear power plant components in Section III, Division 1, and specifies requirements for the inservice inspection of those components in Section XI, Division I. The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction and inservice inspection of nuclear power plant components.

Incorporating by reference the latest edition and addenda of the ASME Code will save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Revisions to the ASME code are achieved through the (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/17/85	50 FR 20574
NPRM Comment Period Begin	05/17/85	50 FR 20574
NPRM Comment Period End	07/16/85	
FINAL RULE FOR DIVISION REVIEW	08/16/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	11/15/85	
FINAL RULE PACKAGE TO EDO	12/02/85	
FINAL RULE PUBLISHED	12/27/85	

Small Entity: No

Additional Information: ABSTRACT CONT: process to which the NRC contributes. This consensus process ensures a proper balance between utility, regulatory, and other interests concerned with the code and ensures that the value of any revisions to the code is consistent with its impact.

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office Of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7862**

RIN: 3150-AA83

3968. OPERATORS' LICENSES

Legal Authority: 42 USC 2137; 42 USC 2201; 42 USC 5841; 42 USC 10226

CFR Citation: 10 CFR 50; 10 CFR 55

Abstract: The Nuclear Regulatory Commission was proposing to amend its regulations to (1) require each holder of and each applicant for a license to operate a commercial nuclear power plant to establish and use a systems approach in developing training programs and establishing qualifications requirements for civilian nuclear power plant operators, supervisors, technicians, and, as appropriate, operating personnel; (2) clarify the regulations for the issuance of licenses to operators and senior operators; (3) revise the requirements and scope of written examinations and operating tests for operators and senior operators; (4) codify procedures for the administration of requalification examinations; and (5) describe the form and content for operator license applications.

The proposed rulemaking was in response to Section 306 of the Nuclear Waste Policy Act of 1982. A regulatory analysis showed a public risk reduction of 268,000 person-rem at a cost of $240.4 million dollars resulting in a value/impact ratio of 1,100 person-rem/$million. Coordinated industry objections to the rulemaking were the subject of a Commission meeting on (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/26/84	49 FR 46428
NPRM Comment Period Begin	11/26/84	
NPRM Comment Period End	02/24/85	
FINAL RULE FOR DIVISION REVIEW	10/00/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	12/00/85	
FINAL RULE PACKAGE TO EDO	03/00/86	

Action	Date	FR Cite
FINAL RULE PUBLISHED	05/00/86	
Final Action	05/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: April 9, 1984. Industry requested that the NRC issue a policy statement rather than a rule. Consequently, at an October 17, 1984, Commission meeting, the Commission directed the staff to publish the portion of the proposed rule revising 10 CFR Part 55 "Operators' Licenses," and to draft a Policy Statement on programs for training and qualification of nuclear power plant personnel. The proposed revision was published for comment on November 26, 1984, and the effective Policy Statement was published March 20,1985.

The Policy Statement replaces the portion of this proposed rule that would have added requirements to 10 CFR Part 50 on training and qualification of plant personnel. The training programs are to be developed and implemented by industry during a two-year period. The policy statement provides guidance regarding NRC's support of the industry-managed training accreditation program and states NRC's continuing responsibility to independently evaluate applicants' and licensees' implementation of training programs.

Agency Contact: Bruce Boger, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-4868**

RIN: 3150-AA88

3969. PERSONNEL ACCESS AUTHORIZATION PROGRAM (PART OF INSIDER PACKAGE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50; 10 CFR 73

Abstract: The proposed rule would establish a personnel screening program for individuals requiring unescorted reactor facility access, thus providing increased assurance of the trustworthiness and emotional stability of a reactor site population. Study has indicated that disoriented or disgruntled employees (especially ones who might also be psychotic) at nuclear reactors are of primary safeguards concern because of their inside position. While the Commission has stated that at present it is satisfied with the level of safeguards in place at reactors, it approved publication of the proposed rule for public comment (49 FR 30726) as one means of further assuring protection of public health and safety. The public comment period concluded March 7, 1985, and comments received are now under analysis.

Alternatives to rulemaking that were investigated, included endorsing an ANSI standard through a regulatory guide, using staff position papers, and implementing license conditions. These alternatives were rejected because some would not produce an industry standardized program while others lacked regulatory authority. The proposed regulation will protect against (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30726
NPRM Comment Period Begin	08/01/84	
NPRM Comment Period End	03/07/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	08/05/85	
FINAL RULE PACKAGE TO EDO	08/30/85	
FINAL RULE PUBLISHED	10/30/85	
Final Action	10/30/85	

Small Entity: No

Additional Information: ABSTRACT CONT: the "insider" threat at reactors through the use of three components: (1) a background investigation to determine past history, (2) a psychological assessment to determine current emotional stability, and (3) a continual behavioral observation program to detect behavioral changes in an individual once granted unescorted access. Primary benefit to the public and licensees is an increased assurance of the trustworthiness and emotional suitability of individuals working in a nuclear reactor environment. Benefits to the NRC result from the use of a codified program that assures that a uniform approach, meeting minimum requirements, will be applied in screening reactor personnel. The net increase in cost per applicant and licensee in implementing this requirement is estimated to be $155,000 initially and $348 per annum thereafter. The net increase in cost to the NRC due to estimated time in reviewing proposed Personnel Access Authorization Plans and enforcement activities is $510,000 initially with an estimated annual cost impact of $211,000.

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington DC 20555, **301 427-4773**

RIN: 3150-AA90

3970. PROTECTION OF CONTRACTOR EMPLOYEES

Legal Authority: 42 USC 2236; 42 USC 2282; 42 USC 5851

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require 10 CFR Part 50 licensees, permittees, and applicants to ensure that procurement documents they issue or modify, specify that contractors and subcontractors post a notice to employees related to employee protection. The required notice would contain information notifying employees that an employer is prohibited from discriminating against an employee engaging in protected activities and that an employee may seek a remedy for prohibited discrimination by filing a complaint with the Department of Labor. The proposed amendment would affect licensees, permittees, applicants, and their contractors and subcontractors who are contractually responsible for construction of basic components or production and utilization facilities. Although there is no health and safety reason for addressing the issue, NRC is interested in protecting employees from discrimination. However, because Section 210 of the Energy Reorganization Act does not give the NRC direct authority over contractors and subcontractors and it clearly envisioned that the Department of Labor would be the principal agency in ensuring the rights of nuclear industry (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/06/83	48 FR 31050
NPRM Comment Period Begin	07/06/83	48 FR 31050
NPRM Comment Period End	09/06/83	
Final Action	10/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: employees. The NRC plans to terminate this rulemaking action.

Agency Contact: Anthony J. DiPalo, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7613**

RIN: 3150-AB07

3971. +REFINEMENT OF EMERGENCY PLANNING REGULATIONS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would amend the Commission's emergency planning regulations to reflect experience gained since 1980 and reorganize the emergency planning requirements for clarity. Research studies on reactor risk and practical emergency planning experience have led to a refined portrayal of reactor risks and consequences. The proposed rule would require a graduated emergency response capability to reflect a more realistic program for dealing with radiological emergencies at nuclear power plants.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	01/00/86	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	02/00/86	
PROPOSED RULE PACKAGE TO EDO	03/00/86	
NPRM	04/00/86	
FINAL RULE PUBLISHED	04/00/87	

Small Entity: Undetermined

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7615**

RIN: 3150-AB48

3972. LIMITING THE USE OF HIGHLY ENRICHED URANIUM IN DOMESTIC RESEARCH AND TEST REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require that non-power reactors use only low-enriched uranium fuel (LEU), with certain exceptions. The proposed rule is intended to reduce the high-enriched uranium fuel (HEU) in the United States and thereby reduce the potential for theft or diversion. The majority of licensees affected by the proposed rule would be universities operating research and training reactors. To date, four of the 25 affected universities have made the decision to curtail the operation of their research/training reactors. Delay in the implementation of the proposed rule could have an adverse impact on the remaining affected licensees and their decisions regarding continuance or discontinuance of their respective reactor operations.

Other alternatives that have been and will continue to be considered include retaining the status quo and leaving the highly enriched uranium in place while upgrading security over the life of the facility.

The estimated identified and quantifiable costs to the affected licensees range between $9-12 million. In addition, there will be other identifiable costs that are difficult to assess (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/06/84	49 FR 27769
NPRM Comment Period Begin	07/06/84	
NPRM Comment Period End	11/02/84	
FINAL RULE FOR DIVISION REVIEW	06/14/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	06/28/85	
FINAL RULE PACKAGE TO EDO	08/30/85	
FINAL RULE PUBLISHED	09/30/85	
Final Action	09/30/85	

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT: quantitatively, such as societal costs. The estimated impact on NRC resources is approximately $400,000.

Agency Contact: Francis P. Gillespie, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7936**

RIN: 3150-AB60

3973. CONSIDERATION OF EARTHQUAKES IN THE CONTEXT OF EMERGENCY PREPAREDNESS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would consider the need to take into account the complicating effects of earthquakes on emergency preparedness. Existing regulations require that nuclear power plants be designed to safely shut down for most earthquakes. The probability of earthquakes large enough to cause major onsite damage that would result in a significant radiological release from the plant is low; and for large earthquakes, offsite damage could make prior offsite emergency plans premised on normal conditions marginally useful.

One alternative to the proposed rule change would be not to require that the emergency plans specifically address the impact of earthquakes. The staff believes this to be an inappropriate alternative because of the flexibility of existing emergency plans as well as the very low probability of the occurrence of an earthquake of substantial magnitude and a radiological release from the plant. Another alternative would be to adjudicate the issue on a case-by-case basis. The staff believes this to be an inappropriate alternative because it would be extremely time consuming and would not necessitate the unwarranted (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/21/84	49 FR 49640
NPRM Comment Period Begin	12/21/84	49 FR 49640
NPRM Comment Period End	01/22/85	
FINAL RULE FOR DIVISION REVIEW	06/20/85	

Action	Date	FR Cite
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	07/15/85	
FINAL RULE PACKAGE TO EDO	08/00/85	
FINAL RULE PUBLISHED	09/00/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: extensive NRC staff resources. The proposed rule change is the best alternative for achieving the specific regulatory objective.

The proposed amendment will not greatly affect the industry since licensees are required to have approved emergency response plans which are flexible enough to assure that appropriate protective measures can be taken to mitigate the consequences of a nuclear emergency. The public will not be affected as adequate emergency preparedness at nuclear reactors will be assured. The staff anticipates that there will be no increase in cost to the NRC, State, and local governments and to licensees associated with the proposed rule change because it is interpretative in nature.

Agency Contact: Mike Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7615**

RIN: 3150-AB75

3974. + MODIFICATIONS TO GDC 4 REQUIREMENTS FOR PROTECTION AGAINST POSTULATED PIPE RUPTURES

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would permit licensees to use newly developed analytical methods involving widely accepted advanced fracture mechanics theories for determining that certain pipe ruptures need not be treated in the design basis for dynamic effects. Implementation of the rule would facilitate the removal of unnecessary pipe whip restraints and jet shields from existing nuclear power plants. This would reduce inservice inspection cost and, in addition, would reduce inspector radiation exposure. The need and urgency for addressing the issue stems from the widespread acceptance of the analysis results and the research findings pertaining to pipe rupture coupled with increasing confidence in its applicability. Prior to the last few years, there was no sound technical basis for excluding certain pipe ruptures from the design basis. Now it is clear that it is possible to defend the exclusion of PWR primary loop double-ended guillotine pipe ruptures, and that the scope may be extended to other piping. A benefit derived from the rule would be avoidance of extensive exemptions to General Design Criterion 4 which would be the only acceptable alternate to the proposed rule. (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27006
NPRM Comment Period Begin	07/01/85	50 FR 27006
NPRM Comment Period End	09/02/85	
FINAL RULE PUBLISHED	08/00/86	
Final Action	08/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: The rule may only require minimum addition and or modification of the existing text of GDC 4. Two staff years will be needed to complete this rulemaking.

Agency Contact: John A. O'Brien, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7894**

RIN: 3150-AB76

3975. ● SPECIFIC EXEMPTIONS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Nuclear Regulatory Commission is proposing to amend its regulations to clarify standards that will be applied when it considers whether to grant exemptions from the regulatory requirements codified in 10 CFR Part 50. Staff experience and several recent adjudicatory proceedings have shown that clarifying these standards would improve understanding of situations warranting an exemption for the applicants, licensees, public, and the staff. Although existing exemption practice will suffice for an interim period until the proposed rule is finalized, action should be completed on this issue as soon as is practicable. There is no alternative to rulemaking as a mechanism to clarify and strengthen the Commission's exemption policy, as well as to formalize existing criteria and existing staff practice. The associated incremental industry and NRC staff cost will be minimal. Development and promulgation of the proposed and final rule will involve approximately 640 hours of NRC staff time, at $60 per hour for a total of $238,400.

Timetable:

Action	Date	FR Cite
NPRM	04/26/85	50 FR 16506
NPRM Comment Period Begin	04/26/85	50 FR 16506
NPRM Comment Period End	05/28/85	
FINAL RULE FOR DIVISION REVIEW	06/00/85	
FINAL RULE PACKAGE TO EDO	08/00/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	08/00/85	
FINAL RULE PUBLISHED	09/00/85	

Small Entity: No

Agency Contact: F.X. Cameron, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8689**

RIN: 3150-AB93

3976. EXPLANATION TO TABLE S-3 URANIUM FUEL CYCLE ENVIRONMENTAL DATA

Legal Authority: 42 USC 2011; 42 USC 4321

CFR Citation: 10 CFR 51

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the

use of the table. The narrative explanation also addresses important fuel cycle impacts (e.g., environmental dose commitments, health effects, socioeconomic impacts) and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

The proposed rule was published for public review and comment (46 FR 15154, March 4, 1981), but the final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v NRC, No. 74-1486) in the U.S. Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period Begin	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	
FINAL RULE FOR DIVISION REVIEW	12/15/83	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	03/26/84	
FINAL RULE PACKAGE TO EDO	04/02/84	
FINAL RULE PUBLISHED	04/30/86	
Final Action	04/30/86	

Small Entity: No

Additional Information: ABSTRACT CONT: on entire Table S-3 rule. The Supreme Court reversed this decision on June 6,1983.

The proposed rule to provide a narrative explanation for Table S-3 was revised to reflect new developments and the passage of time while the rulemaking was deferred. However, final action on the Table S-3 rule is being held in abeyance until new values for radon-222 and technetium-99 can be added to the table and covered in the narrative explanation. The new radon-222 estimate will follow promulgation of new milling regulations now under consideration by the Commission to reduce radon releases to conform to the Environmental Protection Agency's standards that were promulgated October 7,1983.

Agency Contact: Glenn A. Terry, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4283**

RIN: 3150-AA31

3977. + DISPOSAL OF HIGH LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES: PROCEDURAL AMENDMENTS

Legal Authority: 42 USC 2021a; 42 USC 2071; 42 USC 2111; 42 USC 2201; 42 USC 2201(o); 42 USC 2232; 42 USC 2273; 42 USC 4332; 42 USC 5842; 42 USC 5846; 42 USC 5851; 42 USC 10141

CFR Citation: 10 CFR 60

Abstract: The proposed rule would revise procedures regarding NRC reviews of license applications for disposal of high-level radioactive wastes in geologic repositories. The procedures are being revised principally to conform to the provisions of the Nuclear Waste Policy Act of 1982. Specifically, the proposed rule would clarify that NRC begins its review in this licensing process after DOE provides NRC a site characterization plan and that usual rules of practice apply to licensing of these repositories. It would also provide that the NRC may publish a notice of receipt of a site characterization plan and a notice inviting comments on its analysis of a plan.

The proposed rule would also change some of the procedures for the participation of States and Indian tribes in the licensing process. Without the proposed rule, there would be major incongruities between the Nuclear Waste Policy Act and 10 CFR Part 60. Alternatives to the proposed rule would be changing the Nuclear Waste Policy Act or doing nothing and allowing incongruities to exist, with subsequent risk of litigation against NRC.(cont)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	49 FR 2579
NPRM Comment Period Begin	01/17/85	49 FR 2579
NPRM Comment Period End	03/18/85	
FINAL RULE FOR DIVISION REVIEW	07/01/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	09/01/85	
FINAL RULE PACKAGE TO EDO	09/30/85	
FINAL RULE PUBLISHED	11/01/85	
Final Action	11/01/85	

Small Entity: No

Additional Information: ABSTRACT CONT: State and Indian tribes will be affected in that procedures for their participation in the licensing process for geologic repositories will be changed. This should not result in any additional costs or expenditures of resources on the part of the public, NRC, or the nuclear waste management system. The public, and especially States and Indian tribes, will benefit from increased clarity in procedures for licensing.

Agency Contact: Enrico F. Conti, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4586**

RIN: 3150-AB47

3978. + MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR LICENSEES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70

Abstract: The proposed rulemaking would replace existing material control and accounting (MC&A) requirements for fuel cycle facilities that are authorized to possess and use formula quantities of strategic special nuclear material (SSNM).

It would establish a performance oriented regulation that emphasizes timely detection of formula quantity SSNM losses and provides for more conclusive resolution of discrepancies than is currently achievable. Experience with existing regulations has demonstrated weaknesses in the area of alarm resolution principally because of a lack of timely detection of anomalies and poor loss localization capabilities. The rulemaking would alleviate these liabilities by requiring

tests on a more timely basis on small plant subdivisions.

An alternative to the rule would be to implement the concepts through license amendments for the four involved licensees; however, such an action would be inconsistent with the Administrative Procedures Act and the direction provided in NRC's Policy and Program Guidance document. The protection of the public health and safety will be enhanced through earlier (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/18/81	46 FR 45144
ANPRM Comment Period Begin	11/18/81	46 FR 56625
ANPRM Comment Period End	02/09/82	
NPRM	02/02/84	49 FR 4091
NPRM Comment Period Begin	02/02/84	49 FR 4091
NPRM Comment Period End	09/05/84	
FINAL RULE FOR DIVISION REVIEW	01/00/86	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	02/00/86	
FINAL RULE PACKAGE TO EDO	03/00/86	
FINAL RULE PUBLISHED	07/00/86	
Final Action	07/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: detection and more prompt resolution of anomalies potentially indicative of an SSNM loss. In response to public comments, the staff has revised the earlier cost figures to reflect costs on a site-specific basis. The initial cost to the industry has been estimated to be $5.7 million which analyses indicate will be offset by reduced annual operating costs. Cost savings will be achieved through the reduction of elimination of unnecessary requirements with the principal one being a reduction in the frequency of physical inventories. The cost to the NRC to complete this rulemaking is estimated to be four staff years or $240,000 which includes time for the review of the plans submitted in response to the rule.

Public Compliance Cost: Initial Cost: $2,300,000; Yearly Recurring Cost: -$800,000

Agency Contact: C. W. Emeigh, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4769**

RIN: 3150-AA50

3979. + MISCELLANEOUS AMENDMENTS CONCERNING PHYSICAL PROTECTION OF NUCLEAR POWER PLANTS (PART OF INSIDER RULE PACKAGE)

Legal Authority: 42 USC 2101; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would require in Nuclear Power Plants (1) the designation of vital areas (to allow vital islands), (2) access controls to vital islands, (3) the protection of certain physical security equipment, (4) revised requirements for key and lock controls, and (5) revised authority to suspend safeguards measures during emergencies. (Years of operating experience revealed a need for clarification and refinement.) The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas." Initial development of a final rule produced significant changes, particularly in the criteria for personnel access controls to vital areas, resulting in the need to publish a revised rule. This proposed rule and the other components of the insider rule package were reviewed by the NRC Safety/Safeguards Review Committee which considered a number of alternative approaches to vital island configurations and provided recommendations that are reflected in the proposed rule. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30726
NPRM Comment Period Begin	08/01/84	
NPRM Comment Period End	03/07/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	08/05/85	
FINAL RULE PACKAGE TO EDO	08/30/85	
FINAL RULE PUBLISHED	10/30/85	
Final Action	10/30/85	

Small Entity: No

Additional Information: ABSTRACT CONT: Since requirements for protecting vital areas have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would carry the force of a regulation

Costs for these improvements are estimated at $850,000 per site. The impact on NRC operations will occur in the area of licensing review of amended licensee security plans and Inspection and Enforcement staff support time. Initial cost to the NRC is estimated to be $299,500 and estimated annual cost in subsequent years is $37,400

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4773**

RIN: 3150-AA36

3980. + MODIFICATION OF PROTECTION REQUIREMENTS FOR SPENT FUEL SHIPMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: A proposed rule has been issued to moderate the present interim requirements for the protection of shipments of irradiated reactor fuel cooled for 150 days or more. Recent research shows that the quantity of radioactive material that would be released as a result of successful sabotage is much smaller than was supposed at the time that the interim rule was issued. The alternatives considered during the development of the proposal were: (1) let the current interim requirements continue in force; (2) moderate the current requirements; and (3) eliminate all interim requirements. The alternative of moderating the requirements was selected. The moderated requirements would provide for (1) shipments to be accompanied by an unarmed escort,

who may be driver or carrier employee and may have other duties, (2) on-board communications, and (3) immobilization capability for trucked shipments. Present interim requirements will continue to be effective for shipments of irradiated fuel cooled less than 150 days. The benefit of the proposed rule would be the elimination of unnecessarily strict requirements which presently apply to spent fuel shipments.(cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/84	49 FR 23867
NPRM Comment Period Begin	06/08/84	
NPRM Comment Period End	09/10/84	
FINAL RULE FOR DIVISION REVIEW	12/20/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	01/15/86	
FINAL RULE PACKAGE TO EDO	01/31/86	
FINAL RULE PUBLISHED	03/31/86	
Final Action	03/31/86	

Small Entity: No

Additional Information: ABSTRACT CONT: The modified requirements will result in an estimated savings to licensees of about $20,000 to $30,000 annually, assuming the present rate of 135 shipments annually. Adoption of the proposed amendments would reduce NRC travel cost by about $8,000 annually. Public comments are being considered and a final rule is being drafted.

Agency Contact: Carl B. Sawyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4186**

RIN: 3150-AA96

3981. + SEARCHES OF INDIVIDUALS AT POWER REACTOR FACILITIES (PART OF INSIDER PACKAGE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would revise the search requirements for individuals entering the protected area of nuclear power plants. Under the proposed requirements, all persons would be subject to equipment searches for firearms, explosives and incendiary devices. Physical searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material. Random searches were considered as an alternative, but were dismissed as being possibly disruptive. Since licensees already possess the necessary equipment, this rule will affect only licensee procedures at negligible additional cost.

Since requirements for searches have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would not carry the force of a regulation. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30726
NPRM Comment Period Begin	08/01/84	49 FR 30726
NPRM Comment Period End	03/07/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	08/05/85	
FINAL RULE PACKAGE TO EDO	08/30/85	
FINAL RULE FOR DIVISION REVIEW	08/00/85	
FINAL RULE PUBLISHED	10/30/85	
Final Action	10/30/85	

Small Entity: No

Additional Information: ABSTRACT CONT: The estimated average annual cost to each affected licensee is $8,000. The impact on NRC operations will occur in the area of licensing review of amended licensee security plans. Initial cost to the NRC is estimated to be $46,100 and estimated annual cost in subsequent years is $5,800.

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4773**

RIN: 3150-AB17

3982. + CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Abstract: The proposed rule would revise the criteria the Commission currently follows in determining an extraordinary nuclear occurrence (ENO), in order to overcome the problems that were encountered following the Three Mile Island (TMI) accident when the present criteria were applied. The proposed criteria would focus on items that can be readily counted or estimated within a relatively short time following an accident (i.e., substantial release of radioactive material or radiation offsite and substantial exposure levels). The revised criteria will provide for speedy satisfaction of legitimate claims in the event of an ENO. Because ENO criteria are administrative criteria for use by the Commission, they do not impose any requirement upon a licensee.

Timetable:

Action	Date	FR Cite
Comment Period extended	08/08/75	50 FR 32086
NPRM	04/09/85	50 FR 13978
NPRM Comment Period Begin	04/09/85	
NPRM Comment Period End	08/13/85	
Comment Period expires	09/06/85	50 FR 32086
FINAL RULE FOR DIVISION REVIEW	02/28/86	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	05/30/86	
FINAL RULE PACKAGE TO EDO	06/30/86	
FINAL RULE PUBLISHED	10/31/86	

Small Entity: No

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4353**

RIN: 3150-AB01

ADVANCE NOTICES OF PROPOSED RULEMAKING

3983. REGULATORY REFORM OF THE RULES OF PRACTICE AND RULES FOR LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: This proposed rule would amend thirty-three sections of two parts affecting the hearing process associated with the issuance of all NRC licenses. Streamlining the hearing process would ultimately provide cost savings to all participants in the process. However, intervenors may initially be required to provide more information than is now required at some added expense.

In the screening process, the most significant changes would (1) establish a screening Atomic Safety and Licensing Board (ASLB) to act as a clearinghouse for all requests for hearings, petitions for leave to intervene, and proposed contentions, (2) require a participant in a hearing to show that he or she has an interest to protect in the proceeding, and (3) require evidence of a factual dispute for a contention to be admitted.

During the conduct of hearings, the most significant changes would (1) not hear discovery requests requiring the staff to support positions other than its own, (2) permit the ASLB to decide the case on the basis of written material, (3) permit the ASLB to appoint a panel of technical experts if needed, (cont)

Timetable:

Action	Date	FR Cite
ANPRM	04/12/84	49 FR 14698
ANPRM Comment Period Begin	04/12/84	49 FR 14689
ANPRM Comment Period End	06/11/84	
NPRM	09/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: (4) allow presiding officers to raise issues on their own motion (sua sponte) only in unusual cases, (5) allow summary disposition motions to be filed at any stage of the proceeding, (6) allow the Commission to designate a hearing examiner in lieu of a three-member ASLB, and (7) require the filing of cross examination plans.

During the decision-making process, the most significant changes would (1) remove the ASLB as an independent appeal board but place it organizationally directly under the Commission to review, as before, ASLB decisions, and give its recommendations to the Commission, (2) allow any generic issue resolved in an initial licensing proceeding to be codified, allowing a 45 day comment period (3) allow an intervenor to participate in discussing only those items he or she introduced, and (4) reinstate the immediate effectiveness of an ASLB decision on an operating license, construction permit, or work authorization. The proposals, submitted by the Commission's Regulatory Reform Task Force suggest ways to improve the reactor licensing process.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **202 634-1461**

RIN: 3150-AB04

3984. RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS: ROLE OF NRC STAFF IN ADJUDICATORY LICENSING HEARINGS

Legal Authority: 42 USC 2201; 42 USC 2231

CFR Citation: 10 CFR 2

Abstract: The role of the NRC staff in initial proceedings was among the issues discussed in an enclosure to a January 2, 1985, memorandum to the Chairman of the House Subcommittee on Energy and Water Development from Chairman Palladino. This discussion stated that the Commission has decided that the NRC's role in these proceedings should not be changed. Therefore, the action proposed by this advance notice of proposed rulemaking will be terminated. The Commission is considering amending its Rules of Practice concerning what role the NRC staff should have in adjudicatory licensing hearings to most effectively contribute to the protection of the public health and safety. This notice invites public comments and suggestions on four options and related questions, briefly described below. Option 1 would limit staff participation in contested initial licensing proceedings to only those controverted factual issues it disagrees with on a technical basis or rationale. Option 2 would require (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/02/83	48 FR 50550
ANPRM Comment Period Begin	11/02/83	48 FR 50550
ANPRM Comment Period Extended	01/03/84	48 FR 54243
ANPRM Comment Period End	01/03/85	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: the NRC staff to supply the Commission and the Licensing Board with its view and analyses on every substantive issue raised in an initial licensing proceeding but would prohibit the staff's participation in any procedural matter. Option 3 would retain status quo, i.e., the NRC staff would participate as full party on all issues. Option 4 would expand public involvement in the prehearing stage of initial licensing proceedings, and this option could be used in conjunction with any of the first three options. The staff would subsequently address each substantive issue raised in the Safety Evaluation Report.

Alternatives to rulemaking could include a policy statement or no action, depending on the option chosen. The possible means of addressing this issue through rulemaking are discussed above. The effects of the rulemaking, including benefits and costs, will depend on the option chosen. NRC resources needed for this rulemaking are estimated at 500 staff hours.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **301 492-7678**

RIN: 3150-AB42

3985. + STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation which are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (ICRP); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action; delay for further guidance; and partial revision of the standards. They were rejected as ignoring scientific (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period Begin	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	
NPRM TO COMMISSION	04/22/85	
NPRM	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: advancements; being unresponsive to international and national guidance; and correcting only some of the recognized problems with the present Part 20. Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; providing understandable health-risk base for protection; and placing constraints on collective dose evaluations at levels where risks are trifles.

Initial estimates of the cost of implementing the revision is about $23 million the initial year and about $7 million in subsequent years. This cost does not include any savings which might also be realized by the revision.

Agency Contact: Robert E. Baker, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4570

RIN: 3150-AA38

3986. + IMPROVED PERSONNEL DOSIMETER PROCESSING

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: The notice of proposed rulemaking seeks comment on a proposal to add amendments to 10 CFR Part 20 that would improve the accuracy and consistency of reported occupational radiation dose measurement by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees. The proposed amendments would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service that is accredited by NBS/NVLAP. The Commission considered five alternatives for establishing a regulatory program intended to improve personnel dosimetry processing. These alternatives included: no change in current requirements; requiring licensees to participate in performance testing without specifying a testing laboratory; requiring licensees to participate in performance testing conducted by an NRC-specified testing laboratory; a request from Congress for the authority for NRC to license personnel dosimetry processors directly; and requiring licensees to obtain dosimetry services from an NRC-operated or contracted dosimetry service. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/28/80	45 FR 20493
ANPRM Comment Period Begin	05/12/80	45 FR 31118
ANPRM Comment Period End	06/27/80	
NPRM	01/10/84	49 FR 1205
NPRM Comment Period Begin	01/10/84	49 FR 1205
NPRM Comment Period End	03/12/84	
FINAL RULE FOR DIVISION REVIEW	10/01/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	11/15/85	
FINAL RULE TO EDO	12/15/85	
FINAL RULE PUBLISHED	12/31/85	
Final Action	12/31/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: An evaluation of estimated annual costs to the dosimetry processing industry resulting from an NRC rule requiring licensees to utilize dosimetry processors accredited under an NBS/NVLAP program was projected to be about $717,000. This would result in an estimated net annual increase in the cost of providing monitoring for each worker per year of $0.51, a 2.1% annual increase. The major benefit of the proposed rule would be increased accuracy and reliability of dose measurement to workers in licensed installations. Other benefits include continued assurance of personnel dosimeter processor competence with minimal NRC staff and resource allocation; formulation of a program that can easily be utilized by other agencies; value to the industrial licensee through legal credibility of a nationally-recognized accreditation program; and value to the worker through more accurate assignment of dose. The staff is currently analyzing the comments received on the NPRM.

Agency Contact: Don Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4588

RIN: 3150-AA39

3987. +EMERGENCY PREPAREDNESS FOR FUEL CYCLE AND OTHER RADIOACTIVE MATERIALS LICENSEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The proposed rule would require about 30 fuel cycle and other radioactive materials licensees to submit an emergency plan that would among other actions, require the notification of local authorities in case of an accident and that the licensee recommend protective actions for the public. The proposed rule is intended to further protect the public from accidental exposure to radiation. The affected licensees are those whose possession limits indicate the potential for an accident that could deliver a radiation dose offsite exceeding one rem effective dose equivalent or 5 rems to the thyroid or could cause a soluble uranium inhalation of 2 milligrams (a chemical toxicity hazard).

Based on preliminary data contained in the draft regulatory analysis for this proposed rule, the costs of emergency preparedness are expected to exceed the benefits in terms of protecting public health and safety. However, the proposed requirements may be justifiable in terms of the intangible benefit of being able to reassure the public that if an accident does occur, they will be warned and told what to do to protect themselves.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/81	46 FR 29712
ANPRM Comment Period Begin	06/03/81	46 FR 29712
ANPRM Comment Period End	08/03/81	
PROPOSED RULE FOR DIVISION REVIEW	02/08/85	
OFFICE CONCUR-RENCE ON PROPOSED RULE COMPLETED	08/15/85	
PROPOSED RULE PACKAGE TO EDO	08/31/85	
NPRM	11/00/85	
PROPOSED RULE PUBLISHED	11/00/85	
FINAL RULE PUBLISHED	01/00/87	

Small Entity: No

Analysis: Preliminary RIA 06/00/81

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7636**

RIN: 3150-AA41

3988. + FINANCIAL RESPONSIBILITY OF MATERIALS LICENSEES FOR CLEANUP AFTER ACCIDENTAL AND UNEXPECTED RELEASES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

Abstract: The advance notice of proposed rulemaking (ANPRM) seeks comments on the advisability of having NRC require a mechanism to assure financial capability on the part of certain NRC materials licensees (e.g., fuel fabricators and users of sealed radiation sources) to undertake prompt cleanup of accidental releases or contamination, both on and off site. Estimates for cleanup costs in the recent past have ranged up to $2 million for a single event. To date, cleanup has been conducted by the State or Federal government, but frequently public monies are used only after lengthy delays. Use of an alternative, i.e., the 1980 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), is effectively blocked by EPA policy. CERCLA provides funds for cleanup if the owner or operator is unable to do so and if the release is not covered by "Price-Anderson" provisions, which address liability and do not provide funds for cleanup per se. EPA maintains that NRC has full authority to require cleanup of accidental releases by licensees; thus, CERCLA public funds should not be used for this purpose. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/07/85	50 FR 20906
ANPRM Comment Period Begin	06/07/85	50 FR 20906
ANPRM Comment Period End	10/05/85	
PROPOSED RULE FOR DIVISION REVIEW	11/15/86	
OFFICE CONCUR-RENCE ON PROPOSED RULE COMPLETED	12/15/86	
PROPOSED RULE PACKAGE TO EDO	01/01/87	
NPRM	04/01/87	
PROPOSED RULE PUBLISHED	04/01/87	
FINAL RULE PUBLISHED	04/30/88	
Final Action	04/30/88	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Costs to licensees of the possible different financial assurance mechanisms are based on proprietary information. Staff is inviting comments in response to the ANPRM to address costs aspects, as well as scope of coverage and availability of alternative mechanisms. After evaluating the comments, the staff will recommend to the Commission if the rulemaking should continue. The NRC resources necessary for the ANPRM are about 0.5 FTE in 1984 and 0.4 in 1986.

Agency Contact: Mary Jo Seeman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4647**

RIN: 3150-AB58

3989. CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 34

Abstract: The advance notice of proposed rulemaking would have required all individuals who use byproduct material in the conduct of industrial radiography to be certified by a third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial

radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking sought comment on a proposal that would enable NRC to verify the effectiveness of this training, thereby assuring that all radiographers possess adequate training and experience to operate radiographic equipment safely.

Following a series of public meetings, many comments were received. The thrust of the comments was that current training programs and examination procedures administered by licensees were adequate for determining the competence of individuals to be industrial radiographers. An ad hoc Radiography Steering Committee formed to improve radiation safety in the (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/04/82	47 FR 19152
ANPRM Comment Period Begin	05/04/82	47 FR 19152
ANPRM Comment Period End	09/03/82	
ANPRM WITHDRAWAL FOR DIVISION REVIEW	03/19/85	
ANPRM WITHDRAWAL FOR OFFICE CONCURRENCE	03/26/85	
ANPRM WITHDRAWAL TO EDO	06/17/85	
Final Action	09/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: performance of industrial radiography agreed that the costs associated with a third party certification program would not result in significant benefits through a reduction of accidents that would not result in overexposures to individuals. Therefore, the staff is recommending that the Commission terminate this rulemaking action.

Agency Contact: Nathan Bassin, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-9027**

RIN: 3150-AA43

3990. EMERGENCY CORE COOLING SYSTEMS; REVISIONS TO ACCEPTANCE CRITERIA CRITERIA

Legal Authority: 42 USC 2132; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would amend regulations concerning acceptance criteria for emergency core cooling systems (ECCS) by changing the methods used to demonstrate that an ECCS would protect the nuclear reactor core during a loss-of-coolant accident. This action is proposed because research has shown that calculations performed under current requirements result in estimates of cooling system performance are significantly worse than estimates based on the improved knowledge gained from this research and because the operation of some nuclear reactors is being unnecessarily restricted. This results in increased cost of electricity generation. The proposed rule would allow use of the best information currently available to demonstrate that the ECCS would protect the reactor core during a loss-of-coolant accident. The proposed rule would apply to all applicants for and holders of construction permits for light water reactors.

Because the proposed rule represents a significant change in a regulatory requirement, the staff is currently preparing a summary of ECCS research performed over the last 10 years which will serve as the technical basis for the proposed rule (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/06/78	43 FR 57157
ANPRM Comment Period Begin	12/06/78	43 FR 57157
ANPRM Comment Period End	02/05/79	
PROPOSED RULE FOR DIVISION REVIEW	08/00/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	10/00/85	
NPRM	11/00/85	
PROPOSED RULE PACKAGE TO EDO	11/00/85	
FINAL RULE PUBLISHED	07/00/86	
Final Action	07/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: and a regulatory guide which will provide definition of what constitutes an acceptable best estimate model and acceptable methods of performing the uncertainty evaluation. The estimated cost to the NRC of this rulemaking is 2-3 staff years and $200,000 of contractor support.

Agency Contact: L.M. Shotkin, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-4254**

RIN: 3150-AA44

3991. DESIGN AND OTHER CHANGES IN NUCLEAR POWER PLANT FACILITIES AFTER ISSUANCE OF CONSTRUCTION PERMIT

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule will prescribe improved approaches for reducing and better controlling the level of change in reactor design and construction. These approaches will be based on recommendations found in NUREG-1055, "Improving Quality and the Assurance of Quality in the Design and Construction of Nuclear Power Plants" (QA Report), which the NRC submitted to Congress in April 1984. The QA Report, prepared by the NRC's Office of Inspection and Enforcement (IE), cited deficiencies in the management of design changes as a key factor contributing to significant quality problems in reactor design and construction that have occurred in the past several years. The QA Report recommended that the NRC consider

requiring more complete designs prior to the beginning of construction and the adoption, as a discipline, of change management (known generically as configuration management) as approaches to overcoming the design management deficiencies. Since this rulemaking deals with issues closely related to design completion and control of changes, responsibility for this rulemaking was transferred from the NRC's Office of Nuclear Regulatory Research to IE in September 1984.(cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/11/80	45 FR 81602
ANPRM Comment Period Begin	12/11/80	45 FR 81602
ANPRM Comment Period End	02/09/81	
Final Action	11/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: Staff is working toward a refinement of the QA Report findings and the development of a regulatory analysis which will discuss the economic impact of the rulemaking on affected licensees.

Agency Contact: Wayne Scott, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-4220

RIN: 3150-AA46

3992. MODIFICATION OF THE POLICY AND REGULATORY PRACTICE GOVERNING THE SITING OF NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51; 10 CFR 100

Abstract: This rulemaking is intended to review and revise the Commission's siting regulations to reflect experience gained since the Commission's current reactor siting regulations were published on April 12, 1962 (27 FR 3509). Many developments in this period including work to establish a Commission safety goal and the review of reactor accident source terms, have brought into the question both the existing regulations and their technical support. This rulemaking will resolve those questions.

In the present circumstances a lack of applications for new plants argue that these changes are not needed. However, the new information that is now available and the lead time between the decision to site and the time when a reactor begins producing power commercially make it prudent for the Commission to address these changes in a timely manner.

The alternatives to rulemaking in this case are restricted to no action. If action is taken based on the new and more reliable data now becoming available, the regulations themselves must be changed. Intermediate remedies such as policy statements and regulatory guides would not have adequate authority to (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/29/80	45 FR 50350
NPRM	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: supplant existing regulations.

An advance notice of rulemaking was published seeking public comment on various approaches to this rulemaking. A proposed rule will be structured to achieve resolution of these comments and reflect recent information from the reactor accident source term review and the trial implementation period for the Safety Goal. These revised regulations will make the siting and review of power sites more predictable through application of clearer requirements.

There is no indication that the criteria would increase costs or have a significant adverse affect on safety. On the contrary, clear requirements will allow for more informed and more efficient siting decisions. This rulemaking would require additional NRC resources of approximately two staff years and minimal contract support. This rulemaking is presently on hold pending completion of the reactor accident source term review. A schedule for resumption of this activity is to be developed upon completion of the accident source term review.

Agency Contact: William R. Ott, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4631

RIN: 3150-AA49

3993. SEISMIC AND GEOLOGIC SITING CRITERIA FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

CFR Citation: 10 CFR 100

Abstract: The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state of the art of earth sciences. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions. Two petitions for rulemaking filed with the Commission, PRM-50-20 and PRM-100-2 will be addressed as part of this rulemaking.

The staff has initiated paperwork to withdraw this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/78	43 FR 2729
NPRM	12/00/87	

Small Entity: No

Agency Contact: Leon L. Beratan, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4370

RIN: 3150-AA51

UNPUBLISHED RULES

3994. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Abstract: The Nuclear Regulatory Commission is proposing an amendment that would revise its procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings. The proposed rule would

comprehensively restate current practice, retitle the hearing office, and revise and reorganize the Commission's procedural rules. The changes set out in this proposed rule are intended to enable the Commission to render decisions in a more timely fashion and reduce the burden and expense to the parties participating in the proceedings.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: B. Paul Cotter, Jr., Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, **301 492-7787**

RIN: 3150-AB66

3995. SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS IN ON-THE-RECORD ADJUDICATIONS

Legal Authority: 5 USC 554; 5 USC 557

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the Commission's rules of practice regarding the separation of functions and ex-parte communications in on-the-record adjudications. The proposed rule would allow the Commission greater flexibility in communicating with its staff by relaxing the restrictions on Commission-staff communications in initial licensing cases. The proposal would permit Commissioners to consult with staff members who were not personally involved in the proceeding and who did not consult privately with interested persons outside the agency. The proposed rule is intended to provide the Commission with better access to the expertise of its staff. It would conform the Commission's rules to those of the Administrative Procedures Act. It would also supersede a prior proposed rule entitled "Ex Parte Communications and Separation of Adjudicatory and Non-Adjudicatory Functions" published in the Federal Register on March 7, 1979 (44 FR 12428).

The issues encompassed in this rule were considered in the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698). As a result of staff evaluation of comments (cont)

Timetable:

Action	Date	FR Cite
Previous NPRM	03/07/79	44 FR 12428

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: received on this proposal and further staff review, a rule addressing these issues is being proposed for Commission consideration.

NRC resources needed for this rulemaking are estimated at 500 staff hours. This proposed rule and other regulatory reform hearing process should ultimately provide cost savings to all participants in the process.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **202 634-1461**

RIN: 3150-AA00

3996. + LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL AND HIGH- LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2077; 42 USC 2093; 42 USC 2095; 42 USC 2099; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2237; 42 USC 2282

CFR Citation: 10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 51; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 150

Abstract: The proposed rule will revise existing regulations to cover specific licensing requirements for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS). This revision, required by the Nuclear Waste Policy Act, is intended to ensure that the Commission has in place the appropriate regulations to fulfill the requirements contained in the Nuclear Waste Policy Act of 1982 concerning the licensing of facilities which could be part of the MRS program.

Paragraph (d) of Section 141 of the NWPA provides that any monitored retrievable storage installation pursuant to Section 141 shall be subject to licensing by the Commission. The Commission could await further development of the MRS option before proposing its MRS rules. However, this approach could result in unnecessary delay in reviewing a license application if congress authorizes construction of an MRS. The Department of Energy (DOE) is required to complete a detailed study of the need for and feasibility of a MRS installation. In a proposal to be submitted to Congress on or before June 1, 1985, DOE must include

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	06/00/85	
NPRM	08/26/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	08/00/85	
PROPOSED RULE PACKAGE TO EDO	08/00/85	
PROPOSED RULE PUBLISHED	09/30/85	
FINAL RULE PUBLISHED	10/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: for the siting, development, construction, and operation of facilities capable of storing spent fuel and high-level radioactive waste. Site-specific designs, specifications, and cost estimates must also be included in the proposal. DOE has announced that a proposal for MRS will be submitted to Congress in January 1986.

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7663**

RIN: 3150-AB70

3997. CRITERIA FOR REOPENING RECORDS IN FORMAL LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission is considering amending its regulations to codify and refine NRC case law criteria for reopening a closed evidentiary record in a formal licensing proceeding. This rulemaking would

affect any party who wishes to reopen an evidentiary record .

Timetable:

Action	Date	FR Cite
NPRM	12/27/84	49 FR 50189
NPRM Comment Period Begin	12/27/84	49 FR 50189
NPRM Comment Period End	02/11/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Carole F. Kagan, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1493**

RIN: 3150-AB79

3998. ● AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The purpose of the amendment is to reaffirm that the terms of 10 CFR 2.790 (c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw pursuant to 10 CFR 2.790 (c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AC07

3999. RETENTION PERIODS FOR RECORDS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 4; 10 CFR 11; 10 CFR 21; 10 CFR 25; 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; ...

Abstract: This proposed rule would establish a specific retention period for certain NRC-required records. It would also provide a uniform standard acceptable to the NRC for the condition of a record throughout a specified retention period. Further, the rule would establish throughout NRC regulations, with some exceptions, uniform retention periods of three years, five years, ten years, and the life of a license. This rule would bring NRC regulations into compliance with the Office of Management and Budget's (OMB) regulation (5 CFR 1320.6) that requires a specified retention period for each required record. It also implements NRC's 1982 commitment to OMB to establish a record retention period of determinable length for each required record.

Amending twenty one parts of NRC regulations to specify clearly what records to retain, how long to retain them, and the condition of a record useful for NRC inspection, will be mutually beneficial to applicants and licensees and to the NRC.

Recordkeeping labor for NRC's approximately 6,700 licensees who would be affected by the rule can be divided into four functions: (1) preparing the report, (2) storing the report, (3)

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	10/30/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	01/00/86	
PROPOSED RULE PACKAGE TO EDO	03/00/86	
NPRM	04/00/86	
PROPOSED RULE PUBLISHED	04/00/86	
FINAL RULE PUBLISHED	05/00/87	
Final Action	05/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: files, and (4) retrieving the report information.

The principal savings to the licensee, dispersed over the period licensed, would be in physical storage space and associated storage equipment and materials. The burden of recordkeeping would be reduced approximately 10 percent annually for these licensees by the proposed rule. An estimated 466,323 hours associated with recordkeeping or $28,000,000 annually would be saved. Preparing and publishing this rule would cost NRC approximately 500 hours of staff time at $60 per hour for an estimated total of $30,000.

Agency Contact: R. Stephen Scott, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-8585**

RIN: 3150-AB43

4000. NONDISCRIMINATION ON THE BASIS OF SEX - TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED

Legal Authority: 42 USC 2201; 42 USC 5841; 20 USC 1681; 20 USC 1682; 20 USC 1683; 20 USC 1685; 20 USC 1686

CFR Citation: 10 CFR 4

Abstract: The proposed rule would implement the provisions of Title IX of the Education Amendments of 1972, as amended, that prohibit discrimination on the basis of sex in programs and activities receiving Federal financial assistance from the Nuclear Regulatory Commission. The proposed rule sets out the requirements necessary to comply with the legislation and the procedures to be followed by appropriate officials within the NRC in enforcing the requirements. The requirements of the proposed rule would apply to each recipient of Federal financial assistance from the NRC.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Analysis: Regulatory Analysis 02/00/84

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization, Civil Rights, Washington, DC 20555, **301 492-7697**

RIN: 3150-AB53

4001. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NUCLEAR REGULATORY COMMISSION PROGRAMS

Legal Authority: 42 USC 2021; 42 USC 2201; 42 USC 5841; 29 USC 794; 29 USC 706

CFR Citation: 10 CFR 4

Abstract: The proposed rule would provide for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, in programs or activities conducted by the Nuclear Regulatory Commission. The proposed rule would make it unlawful for the NRC to discriminate, on the basis of handicap, in employment or the conduct of its activities. The proposed rule would place the same obligations on the NRC that are placed on the recipients of Federal financial assistance.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization, Civil Rights, Washington, DC 20555, **301 492-7697**

RIN: 3150-AB54

4002. ● + REVISED CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2201(i); 42 USC 5841

CFR Citation: 10 CFR 11

Abstract: The proposed rule would amend the requirements for applications for initial access authorization and for their renewal by allowing utilization of information on file with the government on individuals who possess current active clearances based upon equivalent investigations. The proposed changes would eliminate unnecessary duplication of administrative costs to licensees for individuals who possess comparable clearances and also eliminate certain NRC administrative costs. The objective of this rulemaking action is to provide an effective program for the Commission to grant special nuclear material access authorizations without imposing unnecessary administrative burdens on licensees. This can be achieved by effecting the foregoing changes to the existing rule, which will allow the Commission to grandfather certain cleared licensee employees into the program and to accept application forms and investigative data provided by other Federal agencies, thereby eliminating the $1580.00 investigation fee.

Timetable:

Action	Date	FR Cite
FINAL RULE FOR DIVISION REVIEW	05/00/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	07/00/85	
FINAL RULE PACKAGE TO EDO	08/00/85	
FINAL RULE PUBLISHED	09/00/85	

Small Entity: No

Agency Contact: Russel R. Rentschler, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4761**

RIN: 3150-AB99

4003. + CONFORMING AMENDMENTS TO PRENOTIFICATION, QUALITY ASSURANCE, AND PACKAGE MONITORING REQUIREMENTS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 20; 10 CFR 71

Abstract: The proposed amendments would revise the requirement for advance notification of waste shipments to provide a more uniform level of hazard at which the report is required. The proposed level of hazard is expected to conform to the level at which the Department of Transportation imposes motor vehicle routing requirements. The proposed amendments would also clarify which of the general licenses in 10 CFR Part 71 require quality assurance programs. The proposed amendments would also adjust the limits for package monitoring on receipt in 10 CFR 20.205 to conform to the new A1/A2 system of Part 71. The proposed amendments are expected to result in no overall net increase in costs to affected licensees.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	08/15/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	09/15/85	
PROPOSED RULE PACKAGE TO EDO	10/00/85	
NPRM	11/00/85	
FINAL RULE PUBLISHED	05/31/86	

Small Entity: No

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AB51

4004. RESIDUAL RADIOACTIVE CONTAMINATION LIMITS FOR DECOMMISSIONING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: The proposed rule would establish residual radioactive contamination limits that must be met before buildings, structures, equipment, materials, and lands may be released for use on an unrestricted basis. Licensed facilities with residual levels of radioactive contamination below these limits would be eligible for unrestricted release and termination of the license. The proposed amendments are necessary to provide licensees with

quantitative criteria to use in the decommissioning and cleanup of buildings, structures, equipment, materials, and lands used in NRC licensed activities. The primary alternative to rulemaking is to continue case-by-case evaluations based on regulatory guides until such time as EPA may establish such standards. The proposed rule is intended to ensure that buildings, structures, equipment, materials, and lands used in NRC licensed activities will be decommissioned and decontaminated in a consistent manner that protects public health. The cost analysis for this proposal is being completed.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	03/31/86	
OFFICE CONCUR-RENCE ON PROPOSED RULE COMPLETED	06/30/86	
PROPOSED RULE PACKAGE TO EDO	09/30/86	
NPRM	12/00/86	
PROPOSED RULE PUBLISHED	12/31/86	
FINAL RULE PUBLISHED	12/31/87	

Small Entity: No

Agency Contact: Don F. Harmon, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4566**

RIN: 3150-AB52

4005. + PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Abstract: This proposed rule would amend Part 21 and sec. 50.55(e) both of which require the reporting of safety defects by licensees. This effort was prompted by TMI Action Plan Task II.J. 4 and has as its main objectives: (1) elimination of duplicate reporting among all requirements, (2) consistent reporting among all reporting requirements, (3) establishment of uniform and clear definitions for defects which need to be reported, (4) establishment of uniform time limits within which a defect must be reported and evaluated and, (5) establishment of uniform content for reporting of defects. Approximately 450 to 500 reports are issued annually under Part 21 and sec. 50.55(e) respectively. The reports identify plant-specific safety concerns and potential generic safety concerns for further NRC followup. These reports form the basis for numerous NRC bulletins and information notices. This proposed rulemaking will reduce the potential for duplicate reporting and evaluation that now exists and will establish a more coherent regulatory framework that is expected to reduce industry and NRC burden in this area without sacrificing safety effectiveness. Alternatives to this (cont)

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	05/00/85	
OFFICE CONCUR-RENCE ON PROPOSED RULE COMPLETED	06/05/85	
PROPOSED RULE PACKAGE TO EDO	08/01/85	
PROPOSED RULE PUBLISHED	12/01/85	
NPRM	12/00/85	
FINAL RULE PUBLISHED	08/01/86	

Small Entity: No

Additional Information: ABSTRACT CONT: approach varied from establishment of a single rule for all reporting to maintaining a status quo for defect reporting. All alternatives were rejected since they would not result in any substantial improvement to the present regulatory framework.

Current costs of reporting under Part 21 and section 50.55 (e) are estimated at $12,400,000 annually for industry and $2,900,000 annually for NRC evaluations. It is anticipated that industry reporting burden with the proposed rulemaking will be reduced by 36,800 hours or $2,208,000 while NRC burden should be increased by $100,000. Additional burden to industry and NRC, while minimal, is anticipated in the areas of adherence to time schedules, and enforcement, recordkeeping respectively.

Agency Contact: John Zudans, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-7205**

RIN: 3150-AA68

4006. ● + POSTING REQUIREMENTS FOR THE PROTECTION OF CONTRACTOR EMPLOYEES AND EXTENSION OF CRIMINAL PENALTIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 21

Abstract: The proposed rule would combine the Extension of Criminal Penalties and Protection of Employees Who Provide Information into the above titled proposed rule. The proposed rule would require the posting of the provisions of section 223 (b) of the Atomic Energy Act of 1954, as amended, and section 210 of the Energy Reorganization Act which notify any individual director, officer, and employee of a firm constructing or supplying the components of a nuclear power plant of the provisions of section 223(b) and 210.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	02/00/86	
OFFICE CONCUR-RENCE ON PROPOSED RULE COMPLETED	04/00/86	
PROPOSED RULE PACKAGE TO EDO	06/00/86	
PROPOSED RULE PUBLISHED	06/00/86	
NPRM	09/00/86	
FINAL RULE PUBLISHED	06/00/87	

Small Entity: No

Agency Contact: Stanley P. Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7925**

RIN: 3150-AC08

4007. + ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 25

Abstract: The proposed rule would adopt revised National policy, initiated by the National Security Council and approved by the President, which prescribes that a new, standardized form titled "Classified Information Nondisclosure Agreement" (SF-189) be completed by all licensees who request NRC access authorization under Part 25. The proposed rule also requires that a security indoctrination be given to the affected individuals prior to completing the new form. These amendments are necessary in order to comply with National Security Decision Directive (NSDD) 84, "Safeguarding National Security Information."

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	06/00/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	11/00/85	
PROPOSED RULE PACKAGE TO EDO	12/00/85	
NPRM	01/00/86	
FINAL RULE PUBLISHED	03/00/86	

Small Entity: No

Agency Contact: Richard A. Dopp, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 427-4549**

RIN: 3150-AB80

4008. ● ADJUSTMENT TO FEE SCHEDULE PUBLICATION

Legal Authority: 42 USC 2201; 42 USC 2165; 42 USC 5841; 31 USC 9701

CFR Citation: 10 CFR 25

Abstract: The final rule revises current regulatory requirements regarding the frequency of formal publication of changes to the Access Authorization Fees charged by NRC. Currently, section 25.17 states that revised fees will be published in the Federal Register during July of each year. A more accurate and efficient regulatory requirement would be to revise the access authorization fee schedule concurrent with the Office of Personnel Management's (OPM) notification to NRC of its background investigation rate changes since NRC's fees are wholly dependent on the rate charged by OPM.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	
FINAL RULE FOR DIVISION REVIEW	10/00/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	12/00/85	
FINAL RULE PACKAGE TO EDO	01/00/86	
FINAL RULE PUBLISHED	03/00/86	

Small Entity: No

Agency Contact: Richard A. Dopp, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-4124**

RIN: 3150-AC00

4009. LICENSING OF SOURCES AND DEVICES

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2071; 42 USC 2092

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 40; 10 CFR 70

Abstract: The proposed rule would require manufacturers or distributors of sealed sources or devices containing sealed sources to obtain a license from the NRC prior to the initial transfer of the sealed sources or devices to specific licensees. The rule would also require manufacturers or distributors of sealed sources or devices to provide the NRC with information on such products relating to design, manufacture, testing, operation, safety and hazards as a condition for obtaining a license. If the proposed requirements were applied to the 800 material license applications and amendments reviewed in 1982 as a statistical base, total costs to suppliers would rise from $148,025 under the current voluntary program to $152,950. At the same time, the proposed rule would eliminate the $48,000 cost to material licensees of preparing 800 license amendments.

NRC plans to terminate this rulemaking and develop an alternative means to modify the licensing process for sealed sources and devices that would be less costly to the industry and more effective in reducing the NRC workload.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: Yes

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AB34

4010. INFORMAL HEARING PROCEDURES FOR MATERIALS LICENSES PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2111

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 33; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 70; 10 CFR 71; 10 CFR 50; 10 CFR 61; 10 CFR 72

Abstract: This proposed rule, being prepared at Commission direction, would provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. In addition, the proposed rule would encompass the objective of the proposed rule, "Jurisdiction of Adjudicatory Boards," identified as 3150-AA53 which is being deleted from OMB's Unified Agenda. There are no reasonable alternatives to rulemaking for implementing these informal hearing procedures. The procedures are expected to reduce the economic burden imposed on a participant in a proceeding.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AB83

4011. + RADIATION SURVEYS AND IN-HOUSE INSPECTION SYSTEMS IN RADIOGRAPHY

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 34

Abstract: The proposed rule would require that the in-house inspection description in a radiography license application specify a method for inspecting each radiographer and radiographer's assistant's knowledge of applicable regulations, license conditions, and performance of established procedures at intervals not exceeding three months. This action is intended to further ensure that radiographic operations are conducted safely.

The cost of performing the inspection is estimated to be $120.00 per worker or $432,960 per year for the entire industry. There is no impact on the NRC staff. The proposed rule would also require a licensee to perform and record a radiation survey of a radiographic exposure device made when storing the device after use instead of recording the results of the radiation survey made after the last exposure. This action, which is taken in response to a petition for rulemaking (PRM-34-3) is intended to provide an acceptable procedure for assuring that the sealed source has been properly stored within the device.

Alternatives to rulemaking were considered including preparation of guidance recommending a time-of-storage survey or

Timetable:

Action	Date	FR Cite
NPRM	10/04/84	49 FR 39168
NPRM Comment Period Begin	10/04/84	49 FR 39168
NPRM Comment Period End	11/18/84	
FINAL RULE FOR DIVISION REVIEW	09/01/85	
FINAL RULE TO EDO	11/01/85	
FINAL RULE PUBLISHED	11/30/85	
Final Action	11/30/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: license condition. These approaches would not have a regulatory basis and also would not be adaptable by agreement states. Requiring an additional radiation survey at the time of storage provides additional assurance that accidental exposures will not occur to members of the public as well as workers. The cost of this survey requirement to the entire industry is estimated to be $541,200 annually ($150.00 per radiographer). There are no additional recordkeeping costs. Impact on NRC staff is negligible since inspectors will review the time-of-storage survey record rather than the last use survey record. NRC staff time for processing this rule to final publication is estimated to be 0.4 staff years.

Twenty comments were received on the proposed rule, most of which were opposed to the three month inspection of radiographers with a roughly 50-50 split on the storage survey issue.

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4588**

RIN: 3150-AB12

4012. EXTENSION OF CRIMINAL PENALTIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule, in accordance with the provisions of the NRC Authorization Act for Fiscal Year 1980, would extend the application of the criminal penalties provision of the Atomic Energy Act (AEA) of 1954, as amended, to any individual director, officer, or employee of a firm constructing or supplying the components of a nuclear power plant who knowingly and willfully violates any NRC regulation, order, or license condition during construction of a nuclear power plant. Section 223(b) of the AEA essentially directs the Commission to establish a limit for potential unplanned off-site releases of radioactive material which would trigger consideration of possible criminal penalties. As directed in Section 223(b)(3), the proposed rule establishes in its definition of a "basic component," the limits for potential unplanned releases of radioactive material that could trigger application of criminal penalties.

Independent review resulted in recommendation that this rule be terminated.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	01/00/87	

Small Entity: No

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AA80

4013. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized. It is proposed to revise the rule as noted to make it current and improve its usefulness.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice which is no longer being reflected accurately by the existing rule, and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss of coolant accident conditions. The majority of the effort needed by NRC to

Timetable:

Action	Date	FR Cite
PROPOSED RULE TO EDO	09/15/85	
NPRM	11/15/85	
PROPOSED RULE PUBLISHED	11/15/85	
FINAL RULE PUBLISHED	11/15/86	

Small Entity: No

Additional Information: ABSTRACT CONT: issue the rule has already been expended.

Still remaining are resolution of issues peripheral to, but important to, the rule, presentation of the proposed rule for public comment and in integration of appropriate public comments.

A detailed analysis of costs, benefits, and occupational exposures is available in the Public Document Room, and indicates possible savings to industry of $14 million to $300 million and an increase in occupational exposure of less than one percent per year per plant due to increased testing.

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7893

RIN: 3150-AA86

4014. + RADON 222 ESTIMATE FOR TABLE S-3

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51

Abstract: In a Federal Register notice published on April 14, 1979, the Commission deleted the radon-222 value from Table S-3 because it was recognized to be underestimated. Pending rulemaking action to provide a new estimate for radon-222 in Table S-3, the environmental effects of radon are subject to litigation in individual nuclear power plant licensing proceedings. The purpose of the proposed rule would be to deal with this question generically for all nuclear power plants, thus saving the time and cost of repetitive consideration of the effects of radon-222 in individual nuclear power plant licensing proceedings. The only alternative to generic treatment of the environmental impact of radon-222 is to continue to allow these environmental impacts to be brought into litigation in individual licensing cases. By the proposed rulemaking action, new estimates for the environmental releases of rn-222 will be added to Table S-3, and the narrative explanation of Table S-3 will be modified accordingly. This will complete Table S-3 and will remove all environmental impacts of the uranium fuel cycle from further consideration and litigation in individual nuclear power plant licensing cases. (cont)

Timetable:

Action	Date	FR Cite
U.S. Court of Appeals D.C. Circuit Invalidates Table S-3	04/27/82	
EPA's New Standards promulgated	10/01/84	
New Estimates for Table S-3	12/31/84	
NPRM	12/00/85	
FINAL RULE FOR DIVISION REVIEW	01/31/86	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	03/31/86	
FINAL RULE PACKAGE TO EDO	04/25/86	
FINAL RULE PUBLISHED	04/30/86	

Small Entity: No

Additional Information: ABSTRACT CONT: This rulemaking action will not impose additional work or requirements on the public, the industry, license applicants, or the Commission staff. It will reduce the time required and the effort needed to complete nuclear power plant licensing proceedings. NRC resources to develop the rulemaking are estimated to be 0.5 FTE scientific staff, with no contractual support.

Agency Contact: William E. Thompson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-9024

RIN: 3150-AA87

4015. GENERAL DESIGN CRITERION ON HUMAN FACTORS

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would establish a new general design criterion on human factors considerations. The specific factors to be addressed include operability, surveillance, maintainability, and human engineering criteria. The revised human factors criterion is necessary because post-TMI reviews and operating experience indicate that the human factors discipline is rarely applied when needed at the design and construction stage.

Alternatives to the proposed criterion are described in the Regulatory Analysis and include (1) continuation of the current ad hoc requirements; (2) modification to specific existing criteria in 10 CFR Part 50, Appendix A; and (3) delaying action until the development of an industry standard and preparing a regulatory guide to document the NRC position.

Alternative 1 may not meet the objective of timely incorporation of sound human factors principles into the design, construction and operation of nuclear power plants; alternative 2 would probably prove more costly and less efficient to implement, and alternative 3 may not implement the human factors principles in the time frame recommended by TMI investigative groups. (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT: When all effects of the proposed Human Factors General Design Criterion are quantitatively evaluated, a net benefit is expected. The results indicate that the nuclear industry will experience an overall cost increase as a result of applying human factors principles to the design, installation and operation of an average system. However, new plants that have human factors principles applied throughout the entire design, construction, and operations phases can

expect a net savings of $1.1 million on each system. Operating plants or plants with an already approved design that apply human factors principles to new or replacements systems may experience a net cost increase of about $3.1 million.

A qualitative analysis for this proposed rule showed that benefits will accrue in the areas of occupational exposure, public health, regulatory efficiency and economic risks to onsite and offsite property.

Agency Contact: Dan Jones, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-4846

RIN: 3150-AB13

4016. STATION BLACKOUT

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: NRC is proposing to amend its regulations to require light water nuclear power plants to be capable of withstanding a total loss of alternating current (AC) electrical power, called Station Blackout, to the essential and nonessential switchgear buses for a specified duration. A proposed regulatory guide, to be issued at the same time as the proposed rule, would provide guidance on how to determine the duration.

The proposed requirements were developed in response to information generated by the Commission's study of Unresolved Safety Issue A-44, Station Blackout. The proposed rule is intended to provide further assurance that a loss of both off-site and emergency on-site electric AC power systems will not adversely affect the public health and safety.

A regulatory analysis has been prepared for the proposed rule. The estimated public risk reduction is 80,000 person-rem over 25 years, and the estimated total cost for industry to comply with the proposed rule is $40 million. This results in an overall cost benefit ratio of about 2,000 person-rem per million dollars.

The alternatives to this proposed rulemaking are to (cont)

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	11/01/83	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	02/22/85	
PROPOSED RULE PACKAGE TO EDO	02/22/85	
NPRM	09/30/85	
PROPOSED RULE PUBLISHED	09/30/85	
FINAL RULE PUBLISHED	12/30/86	

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT: take no action or to provide only guidance for plants to be able to cope with a station blackout period. To take no action would not yield any reduction in public risk from station blackout events. To provide guidance only, since there is presently no requirement for nuclear power plants to be able to cope with a total loss of AC power, would not result in any basis for enforcement. The proposed rule is the recommended alternative based on its enforceability and, in part, on the favorable cost/benefit ratio.

Agency Contact: Alan Rubin, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-8303

RIN: 3150-AB38

4017. + COMMUNICATIONS PROCEDURES AMENDMENTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: This proposed rule would amend the regulations which establish the procedures for submitting correspondence, reports, applications, or other written communications pertaining to the domestic licensing of production and utilization facilities.

The proposed amendments are expected to resolve confusion regarding submittal procedures and improve the communication process with the affected applicants and licensees.

The proposed amendments would (1) simplify the procedures for making Part 50 submittals to the NRC; (2) facilitate the timely dissemination of Part 50 submittals to NRC staff; (3) reduce postage and copying costs for applicants and licensees by requiring fewer copies of submittals; (4) establish a central NRC receipt point for Part 50 submittals; (5) include the NRC Resident Inspectors in the formal communications; and (6) supersede all outdated submittal directions contained in other sources of submittal guidance, such as Regulatory Guide 10.1 (Revision 4) and NRR Generic Letter 82-14. Although these documents addressed the problem, they did not entirely resolve the confusion. Moreover, subsequent changes in the (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/26/85	50 FR 11884
NPRM Comment Period Begin	03/26/85	
NPRM Comment Period End	05/28/85	
FINAL RULE FOR DIVISION REVIEW	07/01/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	08/31/85	
FINAL RULE PACKAGE TO EDO	01/02/86	
FINAL RULE PUBLISHED	02/00/86	
Final Action	02/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: organizational structure of NRC were not reflected in the guidance documents.

The current regulations also cause unnecessary delays in the dissemination of information to NRC staff. For example, any document submitted to an NRC Regional Office will not usually be disseminated to NRC Headquarters staff until two weeks later.

These problems can be resolved only by amending 10 CFR Part 50, since the current regulations are the source of the problems. The proposed rule is expected to reduce postage and copying costs for licensees and applicants subject to 10 CFR Part 50. An annual savings of $140,000 is estimated. In

addition, the NRC is expected to realize a small savings in postage costs. Preparing and publishing this rule would cost NRC approximately 320 hours of staff time at $60 per hour for a total of $19,200.

Agency Contact: Steve Scott, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-8585

RIN: 3150-AB61

4018. + DELETION OF THE UNUSUAL EVENT EMERGENCY CLASSIFICATION

Legal Authority: 42 USC 2133; 42 USC 2234; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would delete the "Unusual Events" emergency class from the Commission's emergency classification scheme. The current emergency classifications are: (1) notification of unusual events, (2) alert, (3) site area emergency and (4) general emergency. This emergency classification scheme has been used by the NRC, FEMA, licensees and State and local governments for at least four years. During this time, the Commission has noted that the reporting of unusual events not only significantly strains the NRC resources, but tends to establish a "cry wolf" syndrome with State and local governments. The NRC emergency operations center receives approximately 20 notifications of unusual events per week. The purposes of the unusual events offsite notifications are to (1) assure that the first step in any response later found to be necessary has been carried out, (2) bring the operating staff to a state of readiness, and (3) provide systematic handling of unusual events information and decision-making. All of these purposes are redundant to the purposes and required licensee actions associated with the "alert" classification. (cont)

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	05/30/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	06/15/85	
PROPOSED RULE PACKAGE TO EDO	06/30/85	
NPRM	01/00/86	
FINAL RULE PUBLISHED	05/30/86	

Small Entity: No

Additional Information: ABSTRACT CONT: One alternative to the proposed rule would be to not remove the unusual events classification. Another alternative simply would be to delete the unusual event from NUREG-0654. These alternatives would not satisfactorily accomplish the staff's objectives. The staff believes that the deletion of the "unusual events" classification would not impair or decrease the state of preparedness at nuclear power plants. The proposed change would require the NRC to approve revised emergency plans. However, the staff believes that the deletion of "unusual events" will represent a substantial savings to the industry both in dollars and in human resources, approximately one-half staff year per plant. The NRC resources expended through 1985 in order to develop this rulemaking will be approximately two staff-years, or $120,000 per year.

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7615

RIN: 3150-AB84

4019. ● SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Nuclear Regulatory Commission proposes to clarify its regulations on the use of the terms "important to safety" and "safety related" by adding two new definitions to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define these terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues. The rulemaking should not impact licensees or the public because it clarifies existing requirements. The additional burden on NRC to prepare and implement this rule will be very nominal because current practices will not be changed.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	02/21/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	03/20/85	
PROPOSED RULE PACKAGE TO EDO	04/04/85	
NPRM	09/00/85	
PROPOSED RULE PUBLISHED	09/00/85	
FINAL RULE PUBLISHED	05/00/86	

Small Entity: No

Agency Contact: Stephen M. Goldberg, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, 301 492-4968

RIN: 3150-AB88

4020. ● BROAD SCOPE MODIFICATION OF GENERAL DESIGN CRITERION 4 REQUIREMENTS FOR PROTECTION AGAINST DYNAMIC EFFECTS OF POSTULATED PIPE RUPTURES

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed broad scope modification of General Design Criterion 4 (GDC 4) would allow demonstration of piping integrity by analyses to serve as a basis for excluding consideration of dynamic effects associated with pipe ruptures. A proposed rule published July 1, 1985 (50 FR 27006) was limited to the primary loops of pressurized water reactors

(PWRs), whereas this proposed rule would cover all high energy piping in all light water reactors (LWRs). The modification will permit the general but selective removal of pipe whip restraints and jet impingement shields from operating plants, plants under construction and future plant designs, but will not impact other design requirements.

The only alternatives to rulemaking would be the granting of partial exemptions to GDC 4 or reinterpretation of the text of the existing rule. The staff has, however expressed that extensive use of exemptions to authorize the elimination of pipe whip restraints is inappropriate. Therefore, it appears most appropriate to undertake rulemaking at this time.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: John A. O'Brien, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7860**

RIN: 3150-AC05

4021. ● + PART 51; CONFORMING AMENDMENTS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 51; 10 CFR 60

Abstract: The proposed rule would provide procedures for performing an environmental review of High Level Waste geologic repositories. Part 51 contains no provisions for the environmental review of a license application for a HLW repository. The Nuclear Waste Policy Act of 1982 established requirements for environmental reviews which are at variance with the environmental review which NRC perform in licensing other types of nuclear facilities. This issue must be addressed in order to avoid delay in the U.S. HLW Program. The proposed rule would benefit the public, industry, and NRC by clarifying licensing procedures, thus avoiding case determinations and possible litigation during HLW geologic repository licensing. Minor revisions to Part 60 will be necessary to conform to the environmental requirements of the NWPA. Alternatives are to take no action, issue an ANPRM, or ask Congress for additional legislation.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	12/15/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	04/15/86	
PROPOSED RULE PACKAGE TO EDO	07/01/86	
PROPOSED RULE PUBLISHED	07/11/86	
NPRM	07/00/86	
FINAL RULE PUBLISHED	11/30/86	

Small Entity: No

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4586**

RIN: 3150-AC04

4022. ● + DEFINITION OF HIGH-LEVEL RADIOACTIVE WASTE (HLW) IN 10 CFR PART 60

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Abstract: This advance notice of proposed rulemaking (ANPRM) seeks to revise the definition of HLW in Part 60 to reflect certain changes in the legal definition of HLW contained in the Nuclear Waste Policy Act of 1982. Because of the complex issues involved in revising the definition of HLW, which affects virtually the entire radioactive waste management system, the staff is proposing an ANPRM rather than a proposed rule. A revision of the definition of HLW would affect DOE's plans for a geologic repository, State plans for regional compacts to manage low-level waste, Federal vs. State responsibility for some above Class C wastes, costs of waste disposal for certain waste generators, and the development of new technologies and facilities to dispose of certain types of wastes. A definition of HLW which reduces uncertainty about responsibility for different types of wastes would benefit the radioactive waste management system. NRC staff time for processing this rule is estimated to be 4 staff years. Alternatives to rulemaking would be to take no action or request Congress to amend the NWPA. The rulemaking would eliminate uncertainty and reduce costs for the public, industry, and NRC.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/85	
PROPOSED RULE FOR DIVSION REVIEW	12/00/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	08/00/86	
PROPOSED RULE PACKAGE TO EDO	09/00/86	
PROPOSED RULE PUBLISHED	11/00/86	
FINAL RULE PUBLISHED	06/00/87	

Small Entity: No

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4586**

RIN: 3150-AB89

4023. ● ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Abstract: The Nuclear Waste Policy Act of 1982 directs NRC to promulgate criteria for the licensing of HLW geologic repositories. By section 121 (c), these criteria must not be inconsistent with standards to be developed by EPA for the disposal of HLW in deep geologic repositories. This proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement. The EPA Standard is scheduled to be promulgated in August, 1985. The alternative is to ask Congress to amend the NWPA. The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	12/00/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	04/00/86	
PROPOSED RULE PACKAGE TO EDO	05/00/86	
PROPOSED RULE PUBLISHED	07/00/86	
NPRM	08/00/86	
FINAL RULE PUBLISHED	04/00/87	

Small Entity: No

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4586**

RIN: 3150-AC03

4024. + FINANCIAL RESPONSIBILITY STANDARDS FOR LONG TERM CARE FOR LOW LEVEL WASTE DISPOSAL SITES

Legal Authority: 42 USC 10171

CFR Citation: 10 CFR 61

Abstract: The proposed rule is designed to provide standards to ensure that each licensee responsible for the disposal of low-level radioactive waste possesses an adequate bond, surety, or other financial arrangement to insure completion of all requirements established by the Commission for decontamination, decommissioning, and site closure. Section 151 of the Nuclear Waste Policy Act authorizes the NRC to develop standards for financial arrangements for low-level radioactive waste sites. Comments on the ANPRM will help define the nature and scope of the action.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	01/30/86	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	02/10/86	
PROPOSED RULE PACKAGE TO EDO	03/01/86	
NPRM	06/30/86	
PROPOSED RULE PUBLISHED	06/30/86	
FINAL RULE PUBLISHED	05/19/87	

Small Entity: No

Agency Contact: Mary Jo Seeman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4647**

RIN: 3150-AB57

4025. + SPECIAL NUCLEAR MATERIAL PHYSICAL INVENTORY SUMMARY REPORTS

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 70

Abstract: The NRC is amending its regulations in section 70.53 to require affected licensees to report data summarizing the results of physical inventories of special nuclear material (SNM). The affected licensees are required by section 70.51 to conduct the physical inventories but would be required by section 70.53 to report the summary of the results. In the past, licensees voluntarily provided this information, which is used to determine compliance with NRC regulations and to provide data for NUREG- 0430, "Licensed Fuel Facility Status Report." Without a regulatory requirement or without licensee's voluntary submittals, NRC would have to conduct inspections to acquire SNM physical inventory data. In conjunction with this rulemaking, the form that licensees use to report summaries of SNM physical inventory data has been modified to include definitions of required data elements.

Since the affected licensees are already supplying this information voluntarily, there will be no additional costs to these licensees.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	09/15/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	10/30/85	
PROPOSED RULE PACKAGE TO EDO	11/30/85	
NPRM	02/28/86	
FINAL RULE PUBLISHED	10/00/86	

Small Entity: No

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7890**

RIN: 3150-AB26

4026. + RULE TO AMEND THE TRANSPORTATION PROVISIONS PERTAINING TO THE SHIPMENT OF LOW SPECIFIC ACTIVITY (LSA) MATERIAL

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Abstract: The proposed rule would define two classes of LSA materials with specified shipping or packaging requirements. The two classes represent a consolidation of five classes of LSA materials and solid contamination objects (SCO) now in the 1985 regulations of the International Atomic Energy Agency (IAEA). In addition, the proposed rule provides special consideration for the inherent safety associated with the shipment of solid, nonflammable objects which are not dispersible in water. A new requirement of the amended rule would impose a dose rate limit on LSA materials. This requirement, which is philosophically consistent with the proposed IAEA regulations, is considered necessary to keep current and future LSA shipments within the envelope of safety originally conceived for such materials. This proposed rule would be responsive to PRM-71-1, PRM-71-2 and PRM-71-4. A regulatory analysis is currently being developed by the staff.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	02/28/86	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	04/30/86	
PROPOSED RULE PACKAGE TO EDO	06/30/86	
NPRM	08/00/86	
FINAL RULE PUBLISHED	05/31/87	

Small Entity: Yes

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AB33

4027. + PHYSICAL PROTECTION REQUIREMENTS FOR INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS (ISFSIS)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: Requirements for the physical protection of spent nuclear fuel at independent storage sites are currently contained in 10 CFR 73.50. Those requirements were originally developed for a broad range of materials and facilities, and were not developed specifically for independent spent fuel storage installations (ISFSIs). Preliminary studies, some of which are related to transportation and require extrapolations to fixed installations, indicate that some of the current requirements for ISFSIs may not be at the appropriate level. If ongoing assessments confirm that existing regulations should be changed to be more commensurate with the consequences of a sabotage attack, a proposed performance-oriented rule would be developed to allow licensees the flexibility of using the most cost-effective measures available to meet the regulatory requirements. The necessity and urgency of addressing this issue is to have safeguards requirements in place that are commensurate with the risk of storing spent nuclear fuel in dry casks at reactor sites. An alternative to rulemaking is to continue use of the existing regulations, issuing exemptions and adding license (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/00/86	
NPRM	03/00/87	
Final Action	12/31/88	

Small Entity: No

Additional Information: ABSTRACT CONT: conditions as necessary.

In accordance with NRC Policy and Planning Guidance, rulemaking is to be utilized when numerous licensees are affected. As work on resolution of the technical issues continues, analyses regarding the effects of the rule on the public, industry and NRC will be developed. It will take about one year to publish a final rule after the Commission approves the proposed rule for publication. The estimated resources needed from now until a final rule is prepared are approximately 1-1/2 staff years.

Agency Contact: Russel R. Rentschler, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4761**

RIN: 3150-AB27

4028. + REPORTING REQUIREMENTS FOR SAFEGUARDS EVENTS

Legal Authority: 42 USC 2201; 42 USC 5842

CFR Citation: 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 74

Abstract: The proposed rule would amend reporting requirements of section 73.71 for reports of unaccounted for shipments, suspected thefts, unlawful diversion, and other safeguards events. The staff has found the present requirements confusing to licensees and, therefore, difficult for licensees to properly implement. These difficulties have contributed to safeguards event reports that lack uniformity and contain insufficient data for NRC analysis purposes. Safeguards event reporting requirements are necessary to permit timely response by the NRC to safeguards incidents and to identify possible generic deficiencies in safeguards systems. Until the requirements for reporting are clarified and simplified, the problems identified above will continue to exist. This is considered to be a matter of moderate urgency. An alternative to rulemaking is issuance of additional or revised guidance on the present requirement. However, such guidance would lack regulatory authority. Since the problems have arisen over the abstract nature of the present requirement, it appears the best solution is to correct the source of the problem by amending the existing rule. The proposed amendments redefine, in (cont)

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	11/00/84	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	03/00/85	
NPRM	08/27/85	50 FR 34708
NPRM Comment Period Begin	08/27/85	50 FR 34708
PROPOSED RULE PUBLISHED	08/00/85	
NPRM Comment Period End	11/27/85	
FINAL RULE PUBLISHED	05/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: clearer terms, the events to be reported and classify certain of these events into different reporting categories. The current 24 hour telephonic notification is deleted. All events would be either telephonically reported within one hour or logged in licensee records to be submitted to the NRC quarterly. Concurrent with the rule revision, a revised regulatory guide is being developed which provides a format for reporting to the NRC and gives examples of what types of events should be reported and under what category.

There is expected to be no cost impact to the public. Benefits to licensees will be clearer, simpler regulations, and a reduction in telephonic and written report making. While the proposed regulations will require more detailed, standardized written reports, the reduction in the number of telephone and written reports is expected to result in a net cost decrease to industry of $641.600 incurred on an annual basis.

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Safety and Safeguards, Washington, DC 20555, **301 427-4773**

RIN: 3150-AB46

4029. ● + NUCLEAR REGULATORY COMMISSION ACQUISITION REGULATIONS

Legal Authority: 42 USC 2201

CFR Citation: 48 CFR 20

Abstract: The proposed rule would implement and supplement 48 CFR, Federal Acquisition Regulation (FAR) System and specify those agency policies, procedures, contract clauses, solicitation provisions, and forms governing the contracting process. In publishing the proposed rule, the NRC will comply with P.L. 98-577 and the FAR 1.303 which requires that agency regulations be published in the Federal Register and codified in 48 CFR. The proposed rule will enable prospective contractors to become familiar with NRC contracting regulations and enable the preparation of contractual documents which protect the interest of the NRC. NRC resources needed for this rulemaking are estimated at 1,120 staff hours at an estimated cost of $67,200.

Timetable:

Action	Date	FR Cite
PROPOSED RULE FOR DIVISION REVIEW	08/15/85	
OFFICE CONCURRENCE ON PROPOSED RULE COMPLETED	10/30/85	
PROPOSED RULE PACKAGE TO EDO	11/00/85	
PROPOSED RULE PUBLISHED	01/00/86	
FINAL RULE PUBLISHED	09/30/86	

Small Entity: No

Agency Contact: Ronald D. Thompson, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-4210**

RIN: 3150-AC01

NUCLEAR REGULATORY COMMISSION (NRC) Completed Actions

COMPLETED RULEMAKINGS

4030. EXCEPTIONS TO NOTICE AND COMMENT RULEMAKING PROCEDURES

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: This final rule amends the Commission's rule of practice by revising NRC procedures contained in Sections 2.804 and 2.805 to clarify the Commission's use of the exceptions to notice and comment rulemaking contained in the Administrative Procedure Act (5 U.S.C. 553(b)). Exception to notice and comment rulemaking may be applied (1) to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice (5 U.S.C. 553(b)(A)) or (2) when the agency for good cause finds that notice and comment are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)). This clarification is necessary in light of the U.S. Court of Appeals for the District of Columbia decision in Union of Concerned Scientists v. Nuclear Regulatory Commission, No. 82-2000 (D.C. Cir. June 30, 1983) which vacated a Commission rulemaking on the Environmental Qualification of electrical equipment. The court held that by making the rule immediately effective, instead of providing for notice and comment, the NRC had among other things, violated 10 CFR 2.804 of the Commission regulations which the Court read as a requirement for notice and comment in all (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/02/84	49 FR 13043
NPRM Comment Period Begin	04/02/84	49 FR 13043
NPRM Comment Period End	05/02/84	
Final Action	04/02/85	50 FR 13006
Final Action Effective	05/03/85	50 FR 13006

Small Entity: No

Additional Information: ABSTRACT CONT: Commission rulemakings. The final rule provides explicitly for Commission discretion to invoke in appropriate situations the APA exceptions to notice and comment rulemakings cited above.

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of Executive Legal Director, Washington, DC 20555, **301 492-8689**

RIN: 3150-AB41

4031. REPORTS OF THEFT OR LOSS OF LICENSED MATERIAL

Legal Authority: 42 USC 2073

CFR Citation: 10 CFR 20

Abstract: The proposed rule would have removed a discretionary clause that requires each NRC licensee to report a loss or theft of licensed material only when it appears to the licensee that the loss or theft would pose a substantial hazard to persons in an unrestricted area. The proposed rule would have provided increased radiological safety to the public by requiring that all losses or thefts of licensed material be reported to the NRC if the loss exceeds the minimum quantity specified in the regulations. The issues addressed in this proposed rule will be incorporated into the comprehensive revision of Part 20.

Timetable:

Action	Date	FR Cite
NPRM	05/09/83	48 FR 20721
NPRM Comment Period Begin	05/09/83	
NPRM Comment Period End	06/23/83	
EDO Approval to Withdraw Rule	05/06/85	
Withdrawn	05/06/85	

Small Entity: No

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AA64

4032. + IMPLEMENTATION OF THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40; 10 CFR 70; 10 CFR 73; 10 CFR 110

Abstract: The NRC has amended its regulations in order to implement the provisions of the Convention on the Physical Protection of Nuclear Material. Since NRC is responding to implementing legislation enacted by Congress and signed by the President, no alternatives were considered. The amendments will require (1) the physical protection of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel, (2) advance notification to NRC concerning the export of Convention-defined nuclear materials, (3) advance notification and assurance of protection to NRC concerning the importation of Convention- defined nuclear materials from countries that are not parties to the Convention, and (4) advance notification and assurance of protection concerning transient shipments of Convention-defined nuclear material shipped between countries that are not parties to the Convention. The amendments will improve security for Convention-defined nuclear material during international transport. (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/14/83	48 FR 32182
NPRM Comment Period Begin	07/14/83	48 FR 32182
NPRM Comment Period End	10/13/83	
Final Action	03/28/85	50 FR 12221

Small Entity: No

Additional Information: ABSTRACT CONT: Compliance with the new regulations is expected to cost licensees about $230,000 annually. The amendments will become effective when the twenty-first nation ratifies the Convention; 12 nations have ratified as of June 1, 1985

Public Compliance Cost: Yearly Recurring Cost: $230,000; Base Year for Dollar Estimates: 1983

Agency Contact: Carl Sawyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4186

RIN: 3150-AA92

4033. PRESSURIZED THERMAL SHOCK

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The final rule codifies the NRC staff's recommended near-term actions for protection against pressurized thermal shock (PTS) events. Specifically, the provisions of the final rule establishes screening criteria for axial and circumferential welds; require licensees with operating plants to submit data concerning their reactor vessels to the NRC staff for review; require certain licensees to submit an analysis and schedule for implementation of flux-reduction programs; and require certain licensees with operating pressurized water reactors (PWRs) to submit a PTS safety analysis to the NRC staff for review. The issue of pressurized thermal shock arises because in PWR's, transients and accidents can occur that result in severe overcooling (thermal shock) of the reactor pressure vessel concurrent with, or followed by, repressurization. In these PTS events, rapid cooling of the reactor vessel internal surface results in thermal stress with a maximum tensile stress at the inside surface of the vessel. The provisions of the final rule applies only to PWRs. The major considered alternative to the rule was to take no action.(cont)

Timetable:

Action	Date	FR Cite
NPRM	02/07/84	48 FR 4498
NPRM Comment Period Begin	02/07/84	48 FR 4498
NPRM Comment Period End	05/07/84	
Final Action	07/23/85	50 FR 29938
Final Action Effective	07/23/85	50 FR 29938

Small Entity: No

Additional Information: ABSTRACT CONT:

With the possible exception of a few plants where large flux reduction options may be initiated in the near future, the only significant costs will be future analysis costs for those few plants that are expected to approach the screening RT-NDT limit. A cost analysis was prepared for those plant after receipt of the plant specific analysis and the resulting determination of the particular corrective regulatory action necessary and expedient for the plant.

Agency Contact: Roy H. Woods, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-4714

RIN: 3150-AB05

4034. + DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

Legal Authority: 42 USC 2201; 42 USC 5842; 42 USC 10141

CFR Citation: 10 CFR 60

Abstract: The Nuclear Regulatory Commission (NRC) is publishing amendments related to the disposal of high-level radioactive wastes in geologic repositories within the unsaturated zone. These amendments, in addition to the existing provisions of 10 CFR Part 60 ensure that the regulations will apply in an appropriate manner to geologic media within either the saturated or the unsaturated hydrogeologic zone. This action is necessary to ensure that the NRC regulations address considerations relevant to all geologic repositories, whether sited in the saturated or the unsaturated zone. The major benefit of the final amendments provides NRC with the maximum flexibility with respect to reviewing license applications for high-level radioactive waste disposal.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5934
NPRM Comment Period Begin	02/16/84	49 FR 5934
NPRM Comment Period End	04/16/84	
Final Action	07/22/85	50 FR 29641
Final Action Effective	07/22/85	

Small Entity: No

Agency Contact: Clark Pritchard or Claudia Hackbarth, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4615**

RIN: 3150-AB44

4035. JURISDICTION OF ADJUDICATORY BOARDS

Legal Authority: 42 USC 2201; 42 USC 2241

CFR Citation: 10 CFR 1; 10 CFR 2

Abstract: The issues addressed in this proposed rule have been incorporated into the proposed rule entitled "Informal Hearing Procedures for Materials Licensing Proceedings-3150-AB83." The proposed rule would have amended the Statement of Organization and Rules of Practice to make explicit the jurisdiction of NRC's adjudicatory boards in certain ancillary licensing matters which may arise in the course of an operating license proceeding for a nuclear power reactor.

Timetable:

Action	Date	FR Cite
Withdrawn	06/17/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: William M. Shields, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8693**

RIN: 3150-AA53

4036. + ACCESS TO AND PROTECTION OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 25; 10 CFR 95

Abstract: The final rule incorporates a recently approved exception to the personnel security background investigation requirement for access to Communications Security (COMSEC) information, provides a procedure for affected licensees to obtain NRC approval to effect any substantive changes to a licensees security plan, and adopts several revisions that are strictly ministerial in nature. These actions will revise NRC's regulations to reflect current agency policy and practice and make clarifications to the regulations that past agency experience indicated are necessary.

Timetable:

Action	Date	FR Cite
NPRM	03/13/85	50 FR 10064
NPRM Comment Period Begin	03/13/85	
NPRM Comment Period End	05/13/85	
FINAL RULE FOR DIVISION REVIEW	06/00/85	
OFFICE CONCURRENCE ON FINAL RULE COMPLETED	07/00/85	
FINAL RULE PACKAGE TO EDO	08/00/85	
FINAL RULE PUBLISHED	08/00/85	
Final Action	09/11/85	50 FR 36983
Final Action Effective	10/11/85	50 FR 36983

Small Entity: No

Agency Contact: Richard A. Dopp, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-4124**

RIN: 3150-AB67

4037. REGIONAL NUCLEAR MATERIALS LICENSING FOR CERTAIN FEDERAL FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The final rule amends provisions concerning the domestic licensing of byproduct, source, and special nuclear materials. The final rule is intended to provide information about the further implementation of NRC's decentralized licensing program. This amendment implements another phase of the process by broadening the scope of the program in all regions to include licensees at certain Federal facilities. The final rule is necessary to inform present and prospective NRC licensees of current NRC practices and procedures.

Timetable:

Action	Date	FR Cite
Final Action	04/15/85	50 FR 14692
Final Action Effective	04/15/85	50 FR 14692

Small Entity: Not Applicable

Agency Contact: Donald R. Chapell, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4152**

RIN: 3150-AB81

4038. + PHYSICIAN'S USE OF RADIOACTIVE DRUGS

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: As new uses for FDA approved drugs are developed, the NRC is amending its regulations to provide physicians an exception from its requirement to use a radiopharmaceutical only for the methods of use listed on the package label. This rule will facilitate potentially beneficial new uses of approved drugs. The only alternative to the rulemaking was to amend individual licenses to authorize these new methods of use which would have consume an inordinate amount of staff time. The final rule allows NRC licensed physicians to use certain currently available diagnostic radiopharmaceuticals for some recently developed methods of use that are not listed on the respective package labels.

Timetable:

Action	Date	FR Cite
NPRM	04/22/85	50 FR 15752
NPRM Comment Period Begin	04/22/85	
NPRM Comment Period End	05/22/85	
FINAL RULE FOR DIVISION REVIEW	05/31/85	
Final Action	09/10/85	50 FR 36866
Final Action Effective	09/10/85	50 FR 36866
FINAL RULE PACKAGE TO EDO	09/00/85	
FINAL RULE PUBLISHED	09/30/85	

Small Entity: No

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4108**

RIN: 3150-AB72

4039. UPDATE OF TABLE S-4, PART 51

Legal Authority: 42 USC 2201; 42 USC 4332

CFR Citation: 10 CFR 51

Abstract: The Executive Director for Operation approved the termination of this rule on June 19, 1985 because of limited staff resources. The Table S-4 would have provided a means for meeting the NEPA requirements for an environmental assessment at the construction permit stage of a new reactor. The technical basis for the table, WASH-1238, was published in 1972.

Timetable:

Action	Date	FR Cite
Withdrawn	06/19/85	

Small Entity: No

Agency Contact: William R. Lahs, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7874**

RIN: 3150-AB36

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

4040. ● DELEGATION OF SUBPOENA AUTHORITY

Legal Authority: 42 USC 5841; 42 USC 5843; 42 USC 5844; 42 USC 5845; 42 USC 5849

CFR Citation: 10 CFR 1

Abstract: The final rule incorporates the Commission's decision to delegate authority to the Office of Investigations to issue subpoenas where necessary or appropriate for the conduct of investigations. This final rule will permit the Office of Investigations to independently issue a subpoena during the course of investigations.

Timetable:

Action	Date	FR Cite
Final Action	05/20/85	50 FR 20741
Final Action Effective	06/19/85	50 FR 20741

Small Entity: No

Agency Contact: Polly Schofield, Nuclear Regulatory Commission, Office of Investigations, Washington, DC 20555, **301 492-4388**

RIN: 3150-AB90

4041. ● MINOR CORRECTING AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1; 10 CFR 51

Abstract: The NRC is amending its regulations to update the addresses of the NRC's principal offices and to conform the charges for reproduction of environmental documents at the NRC's Public Document Room to those found in 10 CFR Part 9. These amendments are necessary to inform the public of these administrative changes to NRC regulations.

Timetable:

Action	Date	FR Cite
Final Action	05/22/85	50 FR 21036
Final Action Effective	05/22/85	50 FR 21036

Small Entity: No

Agency Contact: John Philips, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7086**

RIN: 3150-AB91

4042. ● GOVERNMENT IN THE SUNSHINE REGULATIONS

Legal Authority: 42 USC 2201; 42 USC 5841; 5 USC 552b

CFR Citation: 10 CFR 9

Abstract: The interim final rule conforms the Commission's definition of a "meeting" under the Government in the Sunshine Act (5 USC 552 more closely to the statutory intent, as set forth in the language of the Act, its legislative history, and the unanimous 1984 decision of the United States Supreme Court in Federal Communications Commission v. ITT World Communications, U.S., 104 S.Ct. 1936. The Commission believes that these proposed changes would serve to effectuate the Congressional intent that background briefings and generalized discussions of agency business not be considered "meetings" for Sunshine Act purpose, and that adherence to statutory standards will help assure both fuller information for the Commissioners and greater collegiality in their performance of their duties.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/85	50 FR 20889
Final Action	05/21/85	50 FR 20889

Small Entity: No

Agency Contact: Peter Crane, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1465**

RIN: 3150-AB94

4043. ● CHARGES FOR THE PRODUCTION OF RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Abstract: The final rule revises the charges for copying records publicly available at the NRC Public Document Room in Washington, DC. The amendments are necessary in order to reflect the change in copying charges resulting from the Commission's award of a new contract for the copying of records. Most copying charges have been reduced; e.g., the charge for copying standard-sized paper has been reduced by $0.02 per page (from $0.07 per page to $0.05 per page).

Timetable:

Action	Date	FR Cite
Final Action	06/18/85	50 FR 25204
Final Action Effective	06/18/85	50 FR 25204

Small Entity: No

Agency Contact: John Philips, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7086**

RIN: 3150-AB97

4044. ● EMERGENCY PLANNING PREPAREDNESS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5851

CFR Citation: 10 CFR 50

Abstract: The Nuclear Regulatory Commission revised its emergency planning and preparedness regulations for nuclear power reactors in response to a decision by The United States Court of Appeals for the District of Columbia Circuit in Union of Concerned Scientists v. NRC, 735 F.2d 1437 (D.C. Cir. 1984). The decision vacated NRC's 1982 amendment (47 FR 30232, July 13, 1982), which stated that emergency preparedness exercises were part of the operational inspection

process. This revision amends the regulations to the effect that the results of pre-licensing emergency preparedness exercises may be subject to litigation before the Licensing Board rather than part of the inspection process.

Timetable:

Action	Date	FR Cite
Final Action	05/08/85	50 FR 19323
Final Action Effective	05/08/85	50 FR 19323

Small Entity: No

Agency Contact: Theresa W. Hajost, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1493**

RIN: 3150-AB98

4045. ● MINOR CLARIFYING AMENDMENT: DEFINITIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1; 10 CFR 20; 10 CFR 50

Abstract: The final rule would amend the NRC's regulations pertaining to the domestic licensing of production and utilization facilities in order to rearrange the definitions section, which is currently arranged by alphabetical designators, into an undesignated alphabetical listing. This rearrangement will be easier to locate, read, and amend. In addition, cross references to specific paragraphs in 10 CFR 50.2 are being revised in Parts 1, 20, and 50 to reflect the removal of designated paragraphs. This amendment does not alter the contents of any definition.

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	50 FR 31192
NPRM Comment Period Begin	08/01/85	50 FR 31192
Final Action	08/23/85	50 FR 34085
Final Action Effective	08/23/85	50 FR 34085
NPRM Comment Period End	09/02/85	

Small Entity: No

Agency Contact: John Philips, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7086**

RIN: 3150-AC02

4046. ● CONDUCT OF EMPLOYEES; MINOR AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 0

Abstract: The NRC is amending its standards of conduct to codify in NRC's regulations, provisions of the Ethics in Government Act of 1978 (18 U.S.C. 207), as amended, relating to reporting of financial assets by senior NRC officials. The Commission is adopting several other amendments that will exempt former NRC employees from the post-employment restrictions of 18 U.S.C. 207 in order to communicate scientific or technological information to the NRC; eliminate an ambiguity relating to the acceptance by NRC employees of gifts, meals, and entertainment from foreign governments; and modify the regulations to require only annual publication of the prohibited security interests list (formerly published twice annually.

Timetable:

Action	Date	FR Cite
Final Action	06/21/85	50 FR 25697
Final Action Effective	06/21/85	50 FR 25697

Small Entity: No

Agency Contact: Trip Rothschild, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1465**

RIN: 3150-AB87

4047. ● PUBLIC RECORDS; FREEDOM OF INFORMATION ACT; GRANTING APPEALS

Legal Authority: 42 USC 2201; 42 USC 5841; 5 USC 552

CFR Citation: 10 CFR 9

Abstract: The final rule revises one section of the NRC's Freedom of Information Act (FOIA) regulations to provide that appeals from initial denials of requests for information under the FOIA shall be decided by the Secretary of the Commission, with the advice and concurrence of the Office of General Counsel, instead of being decided by the Commission. The Secretary will be required to consult with the Commission before granting an appeal. This rule will eliminate the necessity for SECY papers on FOIA Appeals, thus reducing OGC man-hours spent on FOIA Appeals. The rule should not affect the public in any way. There is no alternative to rulemaking for addressing this issue.

Timetable:

Action	Date	FR Cite
Final Action	07/02/85	50 FR 27214
Final Action Effective	07/02/85	

Small Entity: No

Agency Contact: Theresa W. Hajost, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1493**

RIN: 3150-AB96

4048. ● EXPORT OF REPROCESSING PLANT COMPONENTS

Legal Authority: 42 USC 2073; 42 USC 2074; 42 USC 2077; 42 USC 2092; 42 USC 2094; 42 USC 2111; 42 USC 2112; 42 USC 2139; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Abstract: The final rule amends the regulations applicable to the import and export of nuclear equipment and material to clarify the identification of components that are especially designed or prepared for use in a nuclear fuel reprocessing plant and are therefore subject to the Commission's export licensing authority. The final rule is necessary to implement the recent decision of the multilateral Non-Proliferation Treaty Exporters Committee (Zanneger Committee) to add four new definitions to its international export control Trigger List covering specially designed or prepared reprocessing plant components.

Timetable:

Action	Date	FR Cite
Final Action	05/20/85	50 FR 20742
Final Action Effective	05/21/85	50 FR 20742

Small Entity: No

Agency Contact: Marvin R. Peterson, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555, **301 492-4599**

RIN: 3150-AB92

[FR Doc. 85-20995 Filed 10-28-85; 8:45 am]

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Federal Register

Tuesday
October 29, 1985

Part LVIII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SEC

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33-6601, 34-22366, 35-23807, 39-1026, IC-14696, and IA-987; File No. S7-38-85]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 85-21. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission is also publishing a list of rule reviews anticipated to be completed during the next twelve months. The Commission invites questions and public comment on individual agenda entries.

DATE: Public Comments are due by December 31, 1985.

ADDRESSES: Persons wishing to submit written views should file three copies with John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Room 6184, Stop 6-9, Washington, D.C. 20549. All submissions should refer to File No. S7-38-85, and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: Joseph A. Meiburger, Jr., Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 450 5th Street, N.W., Room 7169, Stop 7-6, Washington, D.C. 20549 (202-272-7110). Additional names of persons to contact are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose, adopt or review which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion").[1] Part I of this agenda contains 58 entries for all open and anticipated rulemaking actions which may meet this criterion.

The RFA also requires the review of existing rules.[2] The Commission published in June 1981 a plan for the periodic review of all rules issued by the agency which may meet the significant impact criterion.[3] The plan provides for the review of all such rules in effect on January 1, 1981 within ten years of that date and for the review of such rules adopted thereafter within ten years of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months.[4] Part II of the agenda contains 4 of these entries. The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some rules listed in this part of the agenda may not be required to be reviewed. The Commission is identifying them here in order to inform the public of its intention to review them. Part III of the agenda identifies the 7 rulemaking actions and 15 rule reviews which have been completed since the last RFA release was approved by the Commission on February 27, 1985.[5] The agenda relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities.[6]

The statute specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included, nor is the Commission required to consider or act on any matter which is included.[7] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities. This preliminary judgment may be changed upon further analysis.

Below is an index of the Commission's entries to this October 1985 Unified Agenda of Federal Regulations. The agenda contains new entries as well as items carried over from the April 1985 publication. New entries are marked with an asterisk. Copies of this preamble and a list of the entries (including next action dates and identifying a staff contact) are available from the Commission's Office of Public Affairs (Room 1015). The entries themselves are also available for inspection and copying in the Public Reference Room (Room 1026) (File S-7-38-85), as noted above.

The Commission invites public comment on the individual entries in its agenda of rulemaking actions and rules scheduled for review in 1986.

By the Commission.

August 28, 1985.

John Wheeler,

Secretary.

[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] Securities Act Release No. 6362 (June 24, 1981) (46 FR 33287).

[4] 5 U.S.C. 610(c).

[5] Securities Act Release No. 6567 (February 27, 1985) (50 FR 18194).

[6] Securities Act Release No. 6380 (January 28, 1982) (47 FR 5215).

[7] 5 U.S.C. 601(d).

SEC

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
4049	17 CFR 210 Request for Comments on "Opinion Shopping"	3235-AC02
4050	17 CFR 210 Proposed Disclosure Regarding Repurchase and Reverse Repurchase Transactions and Advance Notice of possible Rulemaking Regarding Financial Assets and Transactions	3235-AC05
4051	17 CFR 210 Off-Balance Sheet Financing Arrangements	3235-AB68
4052	17 CFR Not yet determined Allocation of Expenses and Related Disclosure in Financial Statements of Subsidiaries, Divisions or Lesser Business Components of Another Entity	3235-AB17
4053	17 CFR 210 Rescission of Obsolete Rules and Technical Revisions and Corrections	3235-AA74
4054	17 CFR 210.3A-02 (Revision) Proposal Regarding Revision of Rule 3A-02 of Regulation S-X Concerning Consolidated Statement of the Registrant and its Subsidiaries	3235-AC04
4055	17 CFR 210.5-02 Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures	3235-AB15
4056	17 CFR 210.9 Specific Disclosure Requirements for Savings and Loan Holding Companies	3235-AB65
4057	17 CFR 210.9-03(7)(e) Financial Statement Disclosure by Bank Holding Companies About Loans to Related Parties	3235-AB45
4058	17 CFR 229.304 Disagreements With Accountants on Accounting and Financial Disclosure	3235-AB63
4059	17 CFR 231 Standards for Disclosure Regarding Foreign Public Sector Debt	3235-AB69
4060	00 CFR Not yet determined Small Issuer Periodic Reports	3235-AA91
4061	17 CFR Not yet determined Registration of Partnership Interests	3235-AB47
4062	17 CFR 230.100 to 230.180 General Rules under the Securities Act of 1933--The "100 Series"-- Rules 100 through 180 (excluding Rules 137, 138 and 139)	3235-AA52
4063	17 CFR 230.134 Rule 134 under the Securities Act of 1933	3235-AB80
4064	17 CFR 230.501 Form D of Regulation D	3235-AB77
4065	17 CFR 239.16b Form S-8 Registration Statement under the Securities Act of 1933	3235-AB79
4066	17 CFR 239.25, (New) Proposed Form S-4 and Other Rules	3235-AA01
4067	17 CFR 240. (not available presently) "Chinese Wall" Exemption under the Securities Exchange Act of 1934, as amended by the Insider Trading Sanctions Act of 1984	3235-AC14
4068	17 CFR 240.14a-1 to 240.14a-12 Regulation 14A -- Rules Relating to Proxy Contests	3235-AA03
4069	17 CFR 240.14a-1 to 240.14a-12 Regulation 14A -- Solicitation of Proxies	3235-AA23
4070	17 CFR 240.14a-13 Regulation 14A: Solicitation of Proxies - Rule 14a-13 Obligation of registrants. Rule 14b-1 Obligation of registered brokers	3235-AB78
4071	17 CFR 240.14c-1 to 240.14c-7 Regulation 14C -- Distribution of Information Pursuant to Section 14(c)	3235-AA24
4072	17 CFR 240.14d-1 to 240.14d-101 Proposed Tender Offer Rule Amendments	3235-AA50
4073	17 CFR 240.14d-10 Proposed Tender Offer Rule Amendments	3235-AC15
4074	17 CFR 240.16a-1 to 240.16a-11 Reports of Directors, Officers and Principal Stockholders	3235-AB14
4075	17 CFR 260 Trust Indenture Act Rules	3235-AB43
4076	17 CFR 240.3a12-9 Exemption of Certain Direct Participation Program Interests from Sections 7(c) and 11(d)(1)	3235-AB51
4077	17 CFR 240.3a12-10 Exemption of Sales of Certain Interests and Participations Issued in Connection with H.R. 10 Plans from Section 15(a)	3235-AC16
4078	17 CFR 240.9b-1 Rule 9b-1 of the Securities Exchange Act of 1934	3235-AC12
4079	17 CFR 240.10b-10 Rule 10b-10 -- Confirmation Disclosure for Reported Securities	3235-AB81
4080	17 CFR 240.11A-1 Proposed Rule 11A-1-- Customer Order Exposure	3235-AA39
4081	17 CFR 240.15c2-4 Rule 15c2-4 -- Transmission or Maintenance of Payments Received in Connection with Underwritings	3235-AB57
4082	17 CFR 240.17Ac 2-1(a) SEC Supplement to Form TA-1	3235-AC13
4083	17 CFR 240.17Ad-5 Rule 17Ad-5 -- Response to Inquiries	3235-AB12
4084	17 CFR 210.6-07 Accounting for Distribution Expenses	3235-AC07
4085	17 CFR 230.180 Amendment to Rule 180 -- Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans	3235-AA08
4086	17 CFR 239.14 Prospectus Simplification Amendments to Form N-2	3235-AB40
4087	17 CFR 239.15A Revisions to Expense-Related Disclosure Requirements of Form N-1A	3235-AB73
4088	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235-AA47
4089	17 CFR 210.3-05 Registration of Investment Company Securities Issued in Business Combination Transactions	3235-AB42
4090	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
4091	17 CFR 250.45 (b)(6), (New) Loans, Extensions of Credit, Donations and Capital Contributions to Associate Companies	3235-AB98
4092	17 CFR 250.70 Exemptions from Section 17(c) of the Act	3235-AB99
4093	00 CFR Not yet determined Mutual Fund Governance	3235-AA44
4094	17 CFR 270 Standardized Formula for Calculating Investment Company Yield	3235-AC08
4095	17 CFR 270.2a32-1 Proposed Rules 2a32-1 and 2a35-1; proposed amendments to Rule 22c-1	3235-AC11
4096	00 CFR Not yet determined Proposed Rule 2a-41 (formerly designated Rule 2a-9) under the Investment Company Act	3235-AB38
4097	17 CFR 270.3a-4 Proposed Rule 3a-4 -- Individualized Investment Management Services	3235-AA12
4098	17 CFR 270.3c-5 Proposed Rule 3c-5 under the Investment Company Act	3235-AC03
4099	17 CFR 270.11a-3 Proposed Rules 11a-3 and 11a-4 Under the Investment Company Act	3235-AA14
4100	17 CFR 270.17g-1 Proposed Amendment to Rule 17g-1 Under the Investment Company Act	3235-AA16

SEC

Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
4101	17 CFR 270.17j-1 Rule 17j-1 under the Investment Company Act of 1940	3235-AA68
4102	17 CFR 270.24f-2 Registration Under The Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AC10
4103	17 CFR 275.205-3 Proposed Rule 205-3 Under the Investment Advisers Act of 1940	3235-AB70
4104	17 CFR 206(3)-3 Method for Compliance with Section 206(3) of the Investment Advisers Act of 1940 with respect to Certain Transactions	3235-AB74
4105	17 CFR 275.206(4)-1 Advertising by Investment Advisers	3235-AC09
4106	17 CFR 275.206(4)-4 Disclosure of Legal and Disciplinary Proceedings	3235-AC06
4107	17 CFR 279.1 Amendments to Form ADV	3235-AB71

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
4108	17 CFR 240.3b-3 Definition of "Short Sale"	3235-AC17
4109	17 CFR 240.10a-1 Short Sales	3235-AC18
4110	17 CFR 240.10a-2 Requirements for Covering Purchases	3235-AC19
4111	17 CFR 240.15c2-5 Rule 15c2-5: Disclosure and Other Requirements When Extending Credit in Certain Transactions	3235-AC20

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4112	17 CFR 210 Synopsis of Impairment Tests Under the Successful Efforts Method	3235-AB67
4113	17 CFR 239.34 Proposed Form F-4 and Other Rules	3235-AB76
4114	17 CFR 240.3a4-1 Rule 3a4-1 -- Associated Persons of an Issuer Deemed Not to be Brokers	3235-AB53
4115	17 CFR 240.3b-9 Proposed Rule 3b-9: Applicability of Broker-Dealer Registration to Banks	3235-AB49
4116	17 CFR 240.13a-12 Rules 30b1-(T) and 27d-4(T) under the Investment Company Act of 1940, temporary suspension of quarterly reporting obligation of certain investment companies	3235-AB75
4117	17 CFR 249.325 Simplification of Procedures for Managers Requesting Confidential Treatment for Open Risk Arbitrage Positions Reported on Form 13F	3235-AB72
4118	17 CFR 270.22c-1 Pricing of Redeemable Securities for Distribution, Redemption and Repurchase	3235-AB58
4119	17 CFR 240.7c2-1 7c2-1 Exemption from Section 7 (c) (2) of Certain Securities Exempted from Registration or Admitted to Trading on Exchanges Exempted from Registration	3235-AB97
4120	17 CFR 240.10b-16 Disclosure of Credit Terms in Margin Transactions	3235-AB96
4121	17 CFR 240.12d1-1 Rule 12a-4 -- Exemption of Certain Warrants from Section 12(a)	3235-AB84
4122	17 CFR 240.12d1-1 Rule 12a-5 -- Temporary Exemption of Substituted or Additional Securities	3235-AB85
4123	17 CFR 240.3b-1 Rule 12a-6 -- Exemption of Securities Underlying Certain Options from Section 12(a)	3235-AB86
4124	17 CFR 240.12d1-1 Rule 12f-1 -- Applications for Permission to Extend Unlisted Trading Privileges	3235-AB87
4125	17 CFR 240.12d1-1 Rule 12f-2 -- Changes in Securities Admitted to Unlisted Trading Privileges	3235-AB88
4126	17 CFR 240.12f-1 Rule 12f-3 -- Termination or Suspension of Unlisted Trading Privileges	3235-AB89
4127	17 CFR 240.12f-1 Rule 12f-4 -- Exemption of Securities Admitted to Unlisted Trading Privileges from Sections 13, 14 and 16	3235-AB90
4128	17 CFR 240.12f-1 Rule 12f-6 -- Continuance of Unlisted Trading Privileges on Merged Exchanges	3235-AB93
4129	17 CFR 240.17Ab2-1 Rule 17Ab2-1 -- Registration of Clearing Agencies	3235-AB83
4130	17 CFR 240.19c-1 Rule 19c-1 -- Governing Certain Off-Board Agency Transactions by Members of National Securities Exchanges	3235-AB91
4131	17 CFR 240.12f-2 Form 27 -- Notification of Changes in Securities Admitted to Unlisted Trading Privileges	3235-AB92
4132	17 CFR 240.12f-3 Form 28 -- Notification of The Termination or Suspension of Unlisted Trading Privileges	3235-AB94
4133	17 CFR 240.17Ab2-1 Form CA-1 -- Application For Registration or For Exemption from Registration as a Clearing Agency and for Amendment to Registration Pursuant to The Securities Exchange Act of 1934	3235-AB82

SECURITIES AND EXCHANGE COMMISSION (SEC)

Current and Projected Rulemakings

Accounting Rules

4049. ● REQUEST FOR COMMENTS ON "OPINION SHOPPING"

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Abstract: The Commission requested comments on the practice of registrants who seek an auditor who is willing to support a proposed accounting treatment which is intended to accomplish the registrant's reporting objectives, but which is not necessarily in accordance with generally accepted accounting principles.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/85	50 FR 28219
ANPRM Comment Period Begin	07/01/85	50 FR 28219
ANPRM Comment Period End	10/09/85	

Small Entity: Undetermined

Agency Contact: Robert E. Burns, Chief Counsel, Office of Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, D.C. 20549, 202 272-2130

RIN: 3235-AC02

4050. ● PROPOSED DISCLOSURE REGARDING REPURCHASE AND REVERSE REPURCHASE TRANSACTIONS AND ADVANCE NOTICE OF POSSIBLE RULEMAKING REGARDING FINANCIAL ASSETS AND TRANSACTIONS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Abstract: The Commission proposed amendments to require disclosure regarding the nature and extent of a registrants repurchase and reverse repurchase transactions and the degree of risk involved in these transactions. Also, the Commission provided advance notice of possible rulemaking in the area of financial assets and transactions.

Timetable:

Action	Date	FR Cite
ANPRM	06/27/85	50 FR 27973
NPRM	06/27/85	50 FR 27973
NPRM Comment Period Begin	06/27/85	50 FR 27973
NPRM Comment Period End	08/30/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Laurel R. Bond, Staff Accountant, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AC05

4051. OFF-BALANCE SHEET FINANCING ARRANGEMENTS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Abstract: The staff is considering whether to recommend that the Commission propose rules calling for increased disclosure of off-balance sheet financing arrangements. During recent years off-balance sheet financing arrangements have increased in number and complexity, and disclosure of such arrangements may currently appear in various places throughout the financial statement footnotes. The identification and analysis of the aggregate impact of the various types of arrangements may therefore be difficult. The staff is considering various alternatives - including possible centralized footnote disclosure - to provide for improved disclosure of the effects of off-balance sheet financing arrangements. The concept for such improved disclosure was announced in Securities Act Release No. 6514 (49 FR 6737; February 23, 1984).

Timetable:

Action	Date	FR Cite
ANPRM	02/15/84	49 FR 7637
ANPRM Comment Period Begin	02/15/84	
ANPRM Comment Period End	05/15/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB68

4052. ALLOCATION OF EXPENSES AND RELATED DISCLOSURE IN FINANCIAL STATEMENTS OF SUBSIDIARIES, DIVISIONS OR LESSER BUSINESS COMPONENTS OF ANOTHER ENTITY

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a(25); 15 USC 77a(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR Not yet determined

Abstract: The staff is considering whether to recommend that the Commission propose rules regarding the allocation of expenses and related disclosure in financial statements of subsidiaries, divisions or lesser business components of another entity.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert Lavery, Staff Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB17

4053. RESCISSION OF OBSOLETE RULES AND TECHNICAL REVISIONS AND CORRECTIONS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-30; 15 USC 80a-37(a)

CFR Citation: 17 CFR 210

Abstract: The Commission may consider whether to propose the rescission of various obsolete rules, such as Articles 5A and 8 and related rules of Regulation S-X, and the amendment of other rules to make technical revisions and corrections or update the rules to reflect current financial reporting experience. These rules will be reviewed concurrently with any rulemaking action.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	06/06/85	50 FR 25259
NPRM Comment Period End	08/19/85	
Final Action	10/31/85	

Small Entity: Undetermined

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AA74

4054. ● PROPOSAL REGARDING REVISION OF RULE 3A-02 OF REGULATION S-X CONCERNING CONSOLIDATED STATEMENT OF THE REGISTRANT AND ITS SUBSIDIARIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210.3A-02 (Revision)

Abstract: The Commission proposed amendments to Rule 3A-02 of Regulation S-X to clarify when a registrant should file with the Commission the consolidated financial statements of the registrant and its subsidiaries.

Timetable:

Action	Date	FR Cite
NPRM	04/23/85	50 FR 19035
NPRM Comment Period Begin	04/23/85	50 FR 19035
NPRM Comment Period End	06/29/85	
Final Action	03/31/86	

Small Entity: Undetermined

Agency Contact: Robert Lavery, Staff Accountant, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AC04

4055. PROPOSALS REGARDING INDUSTRY SEGMENT AND OTHER INTERIM FINANCIAL REPORTING MATTERS, MANAGEMENT'S DISCUSSION AND ANALYSIS, AND OFF BALANCE SHEET FINANCING DISCLOSURES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80-29

CFR Citation: 17 CFR 210.5-02; 17 CFR 210.10-01; 17 CFR 210.11-02; 17 CFR 229.303

Abstract: The Commission proposed amendments to require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in management's discussion and analysis; and (3) modifications of other miscellaneous interim reporting requirements. The release also provides advance notice of possible future rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements. The proposals are designed to enhance analysis of financial information. They may entail some new recordkeeping but any such costs have not been determined. The Commission's interim reporting rules will be reviewed as a part of this action.

Timetable:

Action	Date	FR Cite
NPRM	02/15/84	49 FR 6737
NPRM Comment Period Begin	02/15/84	
NPRM Comment Period End	05/15/84	
Final Action	09/00/85	

Small Entity: Undetermined

Additional Information: This entry replaces the following three entries from the October 1983 agenda. RIN 3235-AA53 -- Off Balance Sheet Obligations. RIN 3235-AA54 -- Segment Information. RIN 3235-AA55 -- Quarterly Financial Reporting.

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB15

4056. SPECIFIC DISCLOSURE REQUIREMENTS FOR SAVINGS AND LOAN HOLDING COMPANIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-29

CFR Citation: 17 CFR 210.9; 17 CFR 231; 17 CFR 241

Abstract: The staff is considering whether to propose amendments to Industry Guide 3, statistical disclosure by bank holding companies and Article 9 of Regulation S-X. The formation of savings and loans holding companies has increased during the past several years to the point where approximately 60 savings and loan holding companies file with the Commission. In addition, a number of other registrants own savings institutions. The Commission's regulations do not specifically address the filing requirements for savings and loans, which have certain practices peculiar to the industry. The amendments, if proposed, would focus on disclosure requirements to enhance the comparability among registrants.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Laurel R. Bond, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB65

4057. FINANCIAL STATEMENT DISCLOSURE BY BANK HOLDING COMPANIES ABOUT LOANS TO RELATED PARTIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a(25); 15 USC 77a(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR 210.9-03(7)(e)

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules in Article 9 of Regulations S-X requiring disclosure by bank holding companies about loans to related parties. Assertions have been made that accumulation of the required

information may be unreasonably costly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Wayne Pentrack, Professional Accounting Fellow, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB45

4058. DISAGREEMENTS WITH ACCOUNTANTS ON ACCOUNTING AND FINANCIAL DISCLOSURE

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79t(a); 15 USC 80a-38; 15 USC 80b-11

CFR Citation: 17 CFR 229.304; 17 CFR 239.28; 17 CFR 240.14a-101; 17 CFR 240.14c-101; 17 CFR 240.308; 17 CFR 249.308a

Abstract: The Staff is considering whether to recommend that the Commission propose amendments to Item 304 of Regulation S-K and related forms and schedules to remove the dependence of that item on the prior filing of a Form 8-K. Presently, certain registrants who had no Form 8-K filing requirement at the time a change in accountants occurred are not specifically required to provide Item 304 disclosure regarding disagreements with their former accountants. The amendments, if proposed, would provide for such disclosure in initial public offerings among other filings.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	07/01/85	50 FR 29409
NPRM Comment Period End	09/17/85	

Small Entity: Undetermined

Agency Contact: Robert Burns, Chief Counsel, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB63

4059. STANDARDS FOR DISCLOSURE REGARDING FOREIGN PUBLIC SECTOR DEBT

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 231; 17 CFR 241

Abstract: The staff is considering whether to propose an amendment to Industry Guide 3, statistical disclosure by bank holding companies. Since 1982, a number of foreign countries have restructured significant portions of their debt owed to multinational consortiums of financial institutions. These restructurings can impact individual bank holding companies differently because of the relative exposures to these foreign countries. The amendment, if proposed, would focus on uniform disclosures of the terms of the restructurings and the impact to the bank holding company. This disclosure would enhance the comparability between registrants.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Wayne Pentrack, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB69

Disclosure Rules

4060. SMALL ISSUER PERIODIC REPORTS

Legal Authority: 15 USC 77s(a)

CFR Citation: Not yet determined

Abstract: The Securities Exchange Act of 1934 (the "Exchange Act") imposes periodic reporting requirements on companies subject to Sections 13(a) and 15(d) of the Exchange Act. Because these reporting requirements may not be entirely appropriate for companies of all sizes, the Commission plans to review the Exchange Act reporting system as it pertains to small businesses, with a view toward relieving certain small businesses from some of the requirements therein. The Commission has not yet determined the alternatives available or the costs of revising these requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Undetermined

Agency Contact: Steve Holtzman, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2644

RIN: 3235-AA91

4061. REGISTRATION OF PARTNERSHIP INTERESTS

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s(a)

CFR Citation: 17 CFR Not yet determined

Abstract: Currently, there are no disclosure requirements specially tailored for issuers of partnership interests. Thus, they currently must refer to requirements which have been designed for use by corporations. Special disclosure requirements have developed as a matter of administrative practice. These requirements differ depending upon the type of partnership interest involved. This project will involve development of uniform disclosure requirements for all varieties of partnership offerings, with a focus on those characteristics common to all or most limited partnerships, such as tax implications. It also will involve codification of informal practices and streamlining of registration to the extent appropriate. These efforts are expected to facilitate the preparation of registration statements concerning such interests and to improve the disclosure provided to investors.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	07/31/85	
Final Action	10/31/85	
Final Action Effective	11/30/85	

Small Entity: Yes

Agency Contact: Leslie Murphy, Attorney-advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AB47

4062. GENERAL RULES UNDER THE SECURITIES ACT OF 1933--THE "100 SERIES"-- RULES 100 THROUGH 180 (EXCLUDING RULES 137, 138 AND 139)

Legal Authority: 15 USC 77s Securities Act

CFR Citation: 17 CFR 230.100 to 230.180

Abstract: The Commission is conducting a "sunset" review of the thirty-nine rules contained in the "100 series" of general rules under the Securities Act. Generally, these rules define key terms used in the Securities Act. The object of this review is to eliminate any inconsistencies, to delete unnecessary, outmoded or duplicative rules and to update and revise the remaining provisions. This project is in addition to the separate project to review Rules 137, 138 and 139.

Timetable:

Action	Date	FR Cite
NPRM	05/31/86	

Small Entity: Undetermined

Additional Information: CFR cite excludes 17 CFR 230.137, .138 and .139.

Agency Contact: Thomas E. Sweeney, Jr., Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA52

4063. RULE 134 UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77b(10); 15 USC 77s(a)

CFR Citation: 17 CFR 230.134

Abstract: The rule is being examined in response to informal requests from the public that its scope be broadened. The Commission is considering changes which would permit the inclusion in communications under the rule of information that is relevant in informing investors of the existence of certain types of securities, while ensuring that any efforts to sell such securities are conducted by means of a prospectus meeting the requirements of Section 10 of the Securities Act of 1933. In the context of this rule-making action, Rule 134 is being fully reviewed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235-AB80

4064. FORM D OF REGULATION D

Legal Authority: 15 USC 77c(b); 15 USC 77d(2); 15 USC 77s(a); 15 USC 77c(3)

CFR Citation: 17 CFR 230.501; 17 CFR 230.502; 17 CFR 230.503; 17 CFR 230.504; 17 CFR 230.505; 17 CFR 230.506; 17 CFR 239.500

Abstract: The Securities Act of 1933 ("Securities Act") requires securities to be registered with the Securities and Exchange Commission ("SEC") prior to an offer or sale unless an appropriate exemption from registration exists. Section 3(b) and 4(2) of the Securities Act provide for exemption from registration and Regulation D was promulgated thereunder. Regulation D requires the filing of a Form D 15 days after the first sale pursuant to the Regulation D exemption. The Commission plans to revise Form D to eliminate certain information currently required by the Form and to clarify other questions therein in order to minimize the filing burdens on issuers using the Regulation. In the context of this rulemaking, Form D will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Yes

Agency Contact: Mary M. Jackley, Special Counsel, Securities and Exchange Commission, Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235-AB77

4065. FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 239.16b

Abstract: The Commission intends to revise the disclosure requirements under the federal securities laws relating to registration under the Securities Act of 1933 of securities to be offered to employees of an issuer pursuant to certain plans. Such registration currently is made on Form S-8 (17 CFR 239.16b). The Commission has found that the extensive disclosures required under Form S-8 are burdensome to issuers and may not produce benefits to employees, who already have access to much of the required information under ERISA and reports under the Securities Exchange Act of 1934. The Commission is developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring the availability of sufficient information to employees.

In the context of this rulemaking, Form S-8 will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Thomas E. Sweeney, Jr., Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AB79

4066. PROPOSED FORM S-4 AND OTHER RULES

Legal Authority: 15 USC 77f Securities Act; 15 USC 77g Securities Act; 15 USC 77j Securities Act; 15 USC 77s(a) Securities Act; 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78n Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 239.25, (New)

Abstract: As part of its review of proxy rules, regulations, and schedules, the Commission intends to revise the disclosure requirements under the federal securities laws relating to mergers, acquisitions, and other

business combinations, focusing primarily on Form S-14 (17 CFR 239.23). Form S-14 is used for the registration of securities in business combination transactions under Rule 145 (17 CFR 230.145). The Commission has found that in many cases the sheer volume of disclosure in connection with mergers, acquisitions and other business combinations tends to be confusing to security holders and burdensome for registrants to prepare. The Commission intends to revise the existing disclosure requirements of Form S-14 to provide streamlined, comprehensible disclosure to shareholders and to reduce compliance burdens on issuers consistent with the protection of investors. In developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring that sufficient information is available to security holders, the Commission will attempt to apply the techniques used in its integrated disclosure system, such as incorporation (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/30/84	
NPRM Comment Period Begin	05/18/84	49 FR 20833
NPRM Comment Period End	08/17/84	
Final Action	03/14/85	

Next Action Undetermined

Small Entity: Yes

Additional Information: ABSTRACT CONT: by reference and multiple document delivery. The proposed revisions are expected to benefit both issuers and investors and are not expected to result in significant additional burdens. A review of the rules and forms will be included in any rulemaking actions. In connection with this initiative, the Commission will propose to amend rules governing exchange offers pursuant to certain recommendations made by the Commission's Advisory Committee on Tender Offers.

Agency Contact: Patricia B. Magee, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA01

4067. ● "CHINESE WALL" EXEMPTION UNDER THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED BY THE INSIDER TRADING SANCTIONS ACT OF 1984

Legal Authority: 15 USC 78(u); 15 USC 78(w)

CFR Citation: 17 CFR 240. (not available presently)

Abstract: The Commission intends to propose a rule under section 21(d)(2)(A)of the Securities Exchange Act of 1934 to exempt from liability for purposes of that section trading by multiservice firms under certain circumstances. The rule proposal will be similar in intent and design to Rule 14e-3(b) which establishes an exception from liability under Rule 14e-3(a) of the Exchange Act where an institution or other non-natural person engaged in the reasonable procedures to ensure that individuals within the institution who make investment decisions on behalf of such person would not know or would not use material, non-public information within the possession of such person and that such individuals did not in fact know the information.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	

Small Entity: Undetermined

Agency Contact: Larisa Dobriansky, Attorney Adviser, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC14

4068. REGULATION 14A -- RULES RELATING TO PROXY CONTESTS

Legal Authority: 15 USC 78n(a) Exchange Act

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Abstract: As part of its proxy review program, the Commission intends to review the rules governing proxy contests, which are contained in Regulation 14A, promulgated under Section 14(a) of the Exchange Act. Regulation 14A regulates the solicitation of proxies in regard to securities registered under Section 12 of the Exchange Act. In general, Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. This review focuses only on regulations concerning proxy contests. Rules 14a-3 through 14a-10 prescribe certain filing, dissemination and disclosure requirements with respect to all proxy solicitations, including proxy contests. Rule 14a-11 prescribes special requirements relating only to contested elections of directors. The number of proxy contests has risen in recent years and the rules relating to them have not been reexamined in some time. The Commission's goal in this review is to make sure that the rules pertaining to proxy contests still operate effectively in addressing this dynamic area, thus benefiting shareholders and issuers.

Timetable:

Action	Date	FR Cite
NPRM	01/31/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Thomas E. Sweeney, Jr., Attorney, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA03

4069. REGULATION 14A -- SOLICITATION OF PROXIES

Legal Authority: 15 USC 78n(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Abstract: Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. Regulation 14A consists of twelve rules and Schedules 14A and 14B. These provisions contain requirements regarding disclosures in, and dissemination and filing of, proxy solicitations with respect to a security registered pursuant to Section 12 of the Exchange Act, opposition solicitations with respect to the election of directors and annual reports to security holders accompanying or preceding a proxy solicitation with respect to a security registered pursuant to Section 12 of the Exchange Act. This regulation is being reviewed in conjunction with the Commission's examination of its proxy

rules and will encompass any provisions not specifically covered in other related proxy review projects. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on registrants.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Sarah A. Miller, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA23

4070. REGULATION 14A: SOLICITATION OF PROXIES - RULE 14A-13 OBLIGATION OF REGISTRANTS. RULE 14B-1 OBLIGATION OF REGISTERED BROKERS

Legal Authority: 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a-13; 17 CFR 240.14b-1

Abstract: Proposed Rule 14a-13 and 14b-1 are designed to improve the process by which registrants communicate with the beneficial owners of securities registered in the name of a broker- dealer or other nominee.

In the context of this rulemaking Rule 14b-1 will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Sarah A. Miller, Attorney - Adviser, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2589**

RIN: 3235-AB78

4071. REGULATION 14C -- DISTRIBUTION OF INFORMATION PURSUANT TO SECTION 14(C)

Legal Authority: 15 USC 78n(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.14c-1 to 240.14c-7; 17 CFR 240.14c-101

Abstract: Regulation 14C consists of seven rules and Schedule 14C, which contain requirements as to the dissemination, content and filing of information statements in connection with annual or other meetings of holders of securities registered pursuant to Section 12 of the Exchange Act and annual reports to security holders accompanying or preceding such information statements. The Rules are intended to enable security holders to make informed voting decisions in any matters to be acted upon at annual or other meetings in those situations where proxies are not being solicited. This regulation is being reviewed in conjunction with the Commission's examination of its proxy rules. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on issuers. The review also will update rules where necessary to accord with changes in state law.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Sarah A. Miller, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA24

4072. PROPOSED TENDER OFFER RULE AMENDMENTS

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78c(b); 15 USC 78n(d); 15 USC 78n(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.14d-1 to 240.14d-101; 17 CFR 240.14e-1 to 240.14e-3

Abstract: The Advisory Committee on Tender Offers conducted an extensive examination of the tender offer process and other techniques for acquiring control of public companies. It recommended to the Commission legislative and regulatory changes necessary or appropriate to the current regulatory scheme. On July 8, 1983, the Committee submitted to the Commission its Report of Recommendations. Among other things, the Committee made recommendations with respect to the economic implications of tender offers and other acquisition techniques, the need for, nature and objectives of such activities and appropriate statutory and regulation modifications. The Commission intends to promulgate proposed regulatory changes related to the recommendations of the Committee.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/84	49 FR 26751
ANPRM Comment Period Begin	06/29/84	49 FR 26751
ANPRM Comment Period End	09/26/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Thomas E. Sweeney, Jr., Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA50

4073. ● PROPOSED TENDER OFFER RULE AMENDMENTS

Legal Authority: 15 USC 78(a) et seq

CFR Citation: 17 CFR 240.14d-10; 17 CFR 240.14e-1

Abstract: Proposed Rule 14d-10 under the Securities and Exchange Act of 1934 would make explicit that a bidder's tender offer must be open to all holders of the class of securities subject to the tender offer, and that all security holders must be paid the highest consideration offered to any security holder. The Commission also proposed to amend Rule 14e-1 under the Act to provide that a tender offer must remain open for ten business days upon the announcement of an increase in the amount of securities being sought by the bidder.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27976
NPRM Comment Period Begin	07/09/85	
NPRM Comment Period End	09/09/85	

Small Entity: Undetermined

Agency Contact: Thomas E. Sweeney, Jr., Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC15

4074. REPORTS OF DIRECTORS, OFFICERS AND PRINCIPAL STOCKHOLDERS

Legal Authority: 15 USC 78m(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78p(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11; 17 CFR 240.16c-1 to 240.16c-3; 17 CFR 240.16e-1; 17 CFR 240.13d-3; 17 CFR 240.14d-1; 17 CFR 229.403; 17 CFR 249.103; 17 CFR 249.104

Abstract: The Commission will review the existing rules and reporting forms intended to implement the provisions of Section 16 of the Securities Exchange Act. Section 16 seeks to deter misuse of inside information by imposing certain periodic and transactional reporting requirements on the officers, directors and principal beneficial shareholders of companies registered under that Act as well as certain limitations on equity transactions by those persons. Over the years the Commission has adopted a number of rules and forms to clarify the applicability of Section 16's requirements to particular circumstances. The Commission will examine their current suitability in light of the purposes of the statute. The Commission also will examine the concept of beneficial ownership for purposes of Sections 13, 14 and 16 of the Securities Exchange Act. Section 13 provides notice of possible changes in control of a registrant by imposing certain reporting requirements on persons acquiring beneficial ownership of 5% or more of a registrant's equity securities. Section 14, which regulates the proxy solicitation process, contains a (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: requirement calling for disclosure of the extent of beneficial ownership by certain persons. In 1978, the Commission, after a series of public hearings, adopted a definition of beneficial ownership for purposes of Section 13 and Section 14. That standard was not applied to Section 16 in view of its distinct purpose. This has resulted in some confusion as well as reporting and interpretive difficulties. The Commission will review the area to determine whether a single comprehensive definition can be adopted. The Commission believes that these actions will result in savings to persons subject to these provisions with no reduction in investor protection. This initiative is a consolidation of five projects that were previously listed separately in the October 1983 agenda.

Agency Contact: Elliot M. Pinta, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW (Stop 2-10), Washington, DC 20549, 202 272-2589

RIN: 3235-AB14

4075. TRUST INDENTURE ACT RULES

Legal Authority: 15 USC 77s

CFR Citation: 17 CFR 260

Abstract: The Trust Indenture Act and the rules promulgated thereunder are being examined comprehensively in order to update their requirements in light of current commercial and business practices. The Commission is considering both rule changes and proposed amendments to the Act itself. The primary areas of the Commission's focus are the qualifications for eligibility of, the duties imposed on and the procedures for qualification of indenture trustees.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William Morley, Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2573

RIN: 3235-AB43

Securities Market and Securities Industry Rules

4076. EXEMPTION OF CERTAIN DIRECT PARTICIPATION PROGRAM INTERESTS FROM SECTIONS 7(C) AND 11(D)(1)

Legal Authority: 15 USC 78c(a)(12); 15 USC 78g; 15 USC 78k; 15 USC 78w

CFR Citation: 17 CFR 240.3a12-9

Abstract: Proposed Rule 3a12-9 would provide an exemption from Sections 7(c) and 11(d)(1) of the Exchange Act for public offerings of direct participation interests with installment payment features. This rule is being proposed, in part, as a response to a proposal made by the National Association of Securities Dealers and has the concurrence of the staff of the Federal Reserve Board. If adopted, the rule would enhance investor protection by encouraging registration of interests in direct participation programs that are sold on an installment basis and by requiring that these programs become subject to and remain in compliance with the reporting requirements of Section 12(g) of the Exchange Act until the total purchase price of the program security is discharged.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46556
NPRM Comment Period Begin	02/21/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Edward L. Pittman, Attorney-Adviser, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW, Washington, DC 20549, 202 272-2848

RIN: 3235-AB51

4077. ● EXEMPTION OF SALES OF CERTAIN INTERESTS AND PARTICIPATIONS ISSUED IN CONNECTION WITH H.R. 10 PLANS FROM SECTION 15(A)

Legal Authority: 15 USC 78c(a)(12); 15 USC 78o; 15 USC 78w; 15 USC 77c(a)(12); 15 USC 77s(a)

CFR Citation: 17 CFR 240.3a12-10; 17 CFR 230.180

Abstract: The proposed rule would specify certain conditions under which persons engaged in the sale of interests and participation issued in connection with certain tax-qualified retirement plans ("H.R.10" or "Keogh" plans) would not be required to register as broker-dealers under Section 15(a) of the Securities Exchange Act of 1934. In 1981, the Commission adopted Rule 180 under the Securities Act of 1933 exempting from the registration requirements of that Act interests and participations issued in connection with H.R. 10 plans. The proposed rule provides a parallel exemption from broker-dealer registration for sales of such interests and participations in H.R. 10 plans. As an alternative the staff could consider granting no-action or exemptive requests on a case-by-case basis. However, such procedure would be inefficient and needlessly expensive for both the public and the Commission staff. In addition, the Commission is proposing to amend Rule 180 to clarify that, under paragraph (a)(3)(ii) of that Rule, the employer only needs to obtain investment advice prior to the investment of plan assets. This proposal codifies a previous

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: staff position.

Agency Contact: Susan J. Walters, Branch Chief, Legal Interpretations, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2417

RIN: 3235-AC16

4078. ● RULE 9B-1 OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 77b; 15 USC 78w(a); 15 USC 77g; 15 USC 78i; 15 USC 17j; 15 USC 78o; 15 USC 17s(a)

CFR Citation: 17 CFR 240.9b-1

Abstract: Currently, Rule 9b-1 provides that an options disclosure document containing information specified in paragraph (c) of the Rule must be filed with the Commission by an options market at least 60 days prior to the date definitive copies are furnished to customers. Paragraph (c) of the Rule specifies that the document must contain, among other things, a discussion of the mechanics of buying, writing and exercising the options; the risks of trading, and the uses of, the options; the market for the options; and the tax consequences of options trading. Proposed modifications to the Rule would eliminate the requirement that the document contain a discussion of the uses of options. This modification is being considered because a discussion of uses is no longer believed to be necessary for the protection of investors, and the projected cost savings by eliminating this discussion from the document is significant. The modification may benefit investors by making the document less lengthy and complex, and thereby focusing attention on the risk disclosure aspects of the document.

Timetable:

Action	Date	FR Cite
NPRM	10/15/85	
NPRM Comment Period Begin	10/15/85	
NPRM Comment Period End	11/15/85	

Small Entity: Undetermined

Agency Contact: Holly H. Smith, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2415

RIN: 3235-AC12

4079. RULE 10B-10 -- CONFIRMATION DISCLOSURE FOR REPORTED SECURITIES

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78i; 15 USC 78j; 15 USC 78k; 15 USC 78k-l; 15 USC 78o; 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.10b-10

Abstract: Rule 10b-10 requires brokers or dealers to provide written notification to customers of the terms of securities transactions effected on their behalf. The Rule generally provides that the broker or dealer disclose whether he was acting as an agent or principal in a particular transaction, the date, time, and terms under which the transaction was completed. And, for transactions in debt securities, the dollar price or yield at which the transaction was effected, and whether the security may be redeemed prior to maturity. The amendments would also require broker-dealers to report to customers on confirmations, the trade prices and mark-ups on principal transactions in reported securities. Rule 10b-10 also provides exceptions.

Timetable:

Action	Date	FR Cite
NPRM	02/04/85	
NPRM Comment Period Begin	02/04/85	50 FR 5766
NPRM Comment Period End	03/29/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Leland Goss, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2827

RIN: 3235-AB81

4080. PROPOSED RULE 11A-1--CUSTOMER ORDER EXPOSURE

Legal Authority: 15 USC 78b Exchange Act; 15 USC 78c Exchange Act; 15 USC 78f Exchange Act; 15 USC 78i Exchange Act; 15 USC 78j Exchange Act; 15 USC 78k Exchange Act; 15 USC 78k-1 Exchange Act; 15 USC 78o Exchange Act; 15 USC 78o-3 Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.11A-1

Abstract: In connection with the partial removal of exchange off-board trading restrictions through Rule 19c-3, the Commission has proposed a revised rule, Rule 11A-1, to address order exposure concerns. Proposed Rule 11A-1 would require exchange and over-the-counter market makers in Rule 19c-3 securities, prior to executing an order as principal, to hold the order out for 30

seconds, thereby allowing other market makers to compete for that order. Alternatively, the proposed rule would permit the market maker to compete for orders by maintaining competitive quotations in the National Association of Securities Dealers' Computer Assisted Execution System or the Cincinnati Stock Exchange's National Securities Trading System, and routing orders to those systems. The proposed rule also contains a number of specific exceptions to order exposure requirements. The Commission will consider public comment on the impact of the proposed rule on small broker-dealers in connection with its final rulemaking.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	12/23/82	
NPRM	12/30/82	47 FR 58287
NPRM Comment Period End	03/01/83	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: The Commission deferred adopting the Rule on an indefinite basis on July 28, 1983.

Agency Contact: Andrew E. Feldman, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW, Washington, DC 20549, 202 272-2388

RIN: 3235-AA39

4081. RULE 15C2-4 -- TRANSMISSION OR MAINTENANCE OF PAYMENTS RECEIVED IN CONNECTION WITH UNDERWRITINGS

Legal Authority: 15 USC 78o; 15 USC 78w

CFR Citation: 17 CFR 240.15c2-4

Abstract: Rule 15c2-4 applies to best-efforts distributions of securities that are conducted on any basis where payment will not be made to the issuer until some further event or contingency occurs. It requires a broker-dealer participant either to promptly deposit investor's funds into a separate bank account, or to promptly transmit such funds to a bank escrow agent, until the contingency occurs. The purpose of the rule is to insulate offering proceeds from unlawful activities by, or the financial reverses of, the broker-dealer, pending the occurrence of the contingency. Amendments to the rule are being considered that would resolve ambiguities and would codify interpretive positions taken by the staff since the rule's adoption in 1962. An interpretive release is being considered as an alternative. Neither action would increase the costs of complying with the rule since either action would simply clarify, not change, the application of the rule. The benefits of either action would be eliminating confusion and ambiguity, more clearly defining a broker-dealer's responsibilities under the rule, and providing greater uniformity in industry practice.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AB57

4082. ● SEC SUPPLEMENT TO FORM TA-1

Legal Authority: 15 USC 78b; 15 USC 78q; 15 USC 78q-1; 15 USC 78w(a)

CFR Citation: 17 CFR 240.17Ac 2-1(a); 17 CFR 249b.100

Abstract: The proposed SEC Supplement to Form TA-1 solicits background information for the owners and other persons in control positions at independent, non-issuer transfer agencies, with particular emphasis on whether offenses have been committed by these persons and therefore, whether the transfer agent's association with a particular individual would have an impact on the transfer agent's ability to perform its functions properly. The SEC Supplement would enable a more thorough review of independent, non-issuer transfer agents registering with the Commission.

Timetable:

Action	Date	FR Cite
NPRM	04/23/85	50 FR 15912
NPRM Comment Period Begin	04/23/85	50 FR 15912
NPRM Comment Period End	06/17/85	
Final Action Effective	10/01/85	

Small Entity: Undetermined

Agency Contact: Randy G. Goldberg, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2365

RIN: 3235-AC13

4083. RULE 17AD-5 -- RESPONSE TO INQUIRIES

Legal Authority: 15 USC 78q-1(d) Exchange Act

CFR Citation: 17 CFR 240.17Ad-5

Abstract: The proposed amendment to Rule 17Ad-5 would require registered transfer agents to respond to securityholder inquiries respecting dividend and interest claims within five business days of receipt. The registered transfer agent would not be required, however, to pay those claims within the time frame set forth in the proposed amendment. This amendment is designed to accelerate the time frame within which dividend claims are researched and settled. The proposed amendment will be evaluated in light of the relative costs and benefits to the public and the transfer agent industry.

Timetable:

Action	Date	FR Cite
NPRM	06/10/83	48 FR 28109
NPRM Comment Period Begin	06/10/83	48 FR 28109
NPRM Comment Period End	09/01/83	
Reproposed Amendments	09/30/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Sandra Sciole, Branch Chief, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549, 202 272-2775

RIN: 3235-AB12

Investment Management Rules

4084. ● ACCOUNTING FOR DISTRIBUTION EXPENSES

Legal Authority: 15 USC 77f; 15 USC 80a-37

CFR Citation: 17 CFR 210.6-07

Abstract: On July 10, 1985, the Commission proposed for public comment an amendment to Regulation S-X to require that registered investment companies account for net

costs incurred as a result of 12b-1 plan as expenses. The amendment would achieve consistent accounting for 12b-1 expenditures thereby ensuring greater uniformity in the accounting practices of investment companies and allowing investors to more accurately compare investment results among investment companies. See Investment Company Act Release No. IC-14623, 50 FR 28953, July 17, 1985.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	07/10/85	
NPRM	07/17/85	50 FR 28953
NPRM Comment Period End	09/30/85	
Final Action	12/01/85	

Small Entity: No

Agency Contact: Forrest R. Foss, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-7318**

RIN: 3235-AC07

4085. AMENDMENT TO RULE 180 -- EXEMPTION FROM REGISTRATION OF CERTAIN INTERESTS AND PARTICIPATIONS IN CERTAIN H.R. 10 PLANS

Legal Authority: 15 USC 77c(a)(2); 15 USC 77s(a)

CFR Citation: 17 CFR 230.180

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert reviewed the funding medium prior to the investment of the (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: plan's assets in that funding medium. The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, **202 272-3036**

RIN: 3235-AA08

4086. PROSPECTUS SIMPLIFICATION AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8 Investment Company; 15 USC 77g Securities Act; 15 USC 77j Securities Act

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements result in the disclosure of much information that is not necessarily material to an investment decision. Simplification will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens of of preparing and distributing prospectuses. Accordingly, the Commission is proposing a new form N-2A that most likely would be structured as a three-part form, one part of which would be a new simplified prospectus. There does not currently exist (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. The contemplated amendments are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the simplification of investment companies' prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are expected to reduce the cost of registration for both the industry and government.

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AB40

4087. REVISIONS TO EXPENSE-RELATED DISCLOSURE REQUIREMENTS OF FORM N-1A

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 239.15A; 17 CFR 274.11A

Abstract: On November 9, 1984, the Commission issued a release (Investment Company Act Release No. 14230; 49 FR 45172) soliciting public comment on proposed revisions to Item 5, Management of the Fund, of Form N-1A, the registration form under the Securities Act of 1933 and the Investment Company Act of 1940 used by open-end, management investment companies other than registered separate accounts of insurance companies. The revised Item 5 would require a consolidation of all narrative information in the prospectus concerning significant expenses of the registrant and would add a tabular

presentation setting forth the major types of expenses, the names of the payees, and the amount of the expense, expressed as a percentage of average net assets.

Timetable:

Action	Date	FR Cite
NPRM	11/09/84	49 FR 45172
NPRM Comment Period End	01/14/85	
Final Action	11/30/85	

Small Entity: No

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3040

RIN: 3235-AB73

4088. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Abstract: Forms S-6 and N-8b-2 are the registration statement forms under the Securities Act of 1933 and the Investment Company Act of 1940, respectively, for unit investment trusts. Included within Form S-6 is the trust's prospectus used in offering securities to the public. A substantial amount of the information required by Form N-8b-2 is also required by Form S-6. Consequently, one goal of the Commission with regard to simplification of registration statements for unit investment trusts is the integration of the disclosure requirements of Forms S-6 and N-8b-2. The Commission also believes that current prospectuses for unit investment trusts have become too cumbersome for the average investor to understand and that current disclosure requirements result in the dissemination of much information that is not necessarily material to an investment decision. Simplification of prospectus requirements for unit investment trusts will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens on those registrants affected. Since the action will apply to all unit investment trust registrants it is expected to have a significant economic impact on a (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	01/31/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: substantial number of small entities. However, the contemplated amendments are still in the developmental stage and have not been formally proposed by the Commission. Thus, the extent of the simplification of unit investment trust prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AA47

4089. REGISTRATION OF INVESTMENT COMPANY SECURITIES ISSUED IN BUSINESS COMBINATION TRANSACTIONS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 210.3-05; 17 CFR 230; 17 CFR 240.14a-3; 17 CFR 240.14a-6; 17 CFR 239; 17 CFR 274

Abstract: Rule 145 under the Securities Act of 1933 states that certain mergers and business combination transactions involve an offer or sale of securities subject to separate registration under section 5 of the Act. Transactions subject to the rule must either be registered on Form S-14 or, in the case of open-end investment companies, the registrant may register on its usual form as long as the disclosure requirements of Form S-14 are satisfied. The filing of the registration statement satisfies the requirement for filing a proxy statement and form of proxy or information statement and the transmittal of such material to security holders satisfies the requirements of the Securities Act for the furnishing of a prospectus. Included within Form S-14 is the company's prospectus used in offering the securities issued in the transaction. The disclosure required by Form S-14 results in prospectuses that are too long and complex, particularly with regard to business combination transactions that involve relatively small acquired companies. Moreover, the separate registration requirement does not permit (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
Final Action	11/30/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: registrants to supply their current prospectus or other filed documents to satisfy any of the information requirements. Proposed Form N-14 would reduce and simplify the amount of information required in the prospectus and reduce the cost and burden on investment company registrants by permitting those companies to substitute documents currently on file with the Commission in place of certain information required to be contained in the prospectus. The action is expected to have a significant economic impact of a substantial number of small entities but the extent of this impact is unknown at this time.

Agency Contact: Mary Podesta, Branch Chief, Securities and Exchange Commission, Office of Disclosure and Adviser Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235-AB42

4090. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent in respect of any security with respect to which a registered investment company is the issuer, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain

rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to certain duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Commission has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. Since the action will apply to all registered investment companies soliciting proxies, unless the solicitation is excepted, the Action is expected to have a significant impact on a substantial number of small entities. However, the contemplated revisions are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the revision actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: **Stephen C. Beach**, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, **202 272-3040**

RIN: 3235-AA69

4091. LOANS, EXTENSIONS OF CREDIT, DONATIONS AND CAPITAL CONTRIBUTIONS TO ASSOCIATE COMPANIES

Legal Authority: 15 USC 79 (l)(b)

CFR Citation: 17 CFR 250.45 (b)(6), (New)

Abstract: Section 12 (b) of the Public Utility Holding Company Act of 1935 makes it unlawful for a registered holding company or subsidiary company to lend or in any manner extend its credit to or indemnify any company in the same system in contravention of rules, regulations and orders of the Commission. Rule 45(a) provides that such extensions and indemnifications will be determined on a case by case basis pursuant to application and Commission order. Rule 45(b) grants certain limited exceptions to 45(a). Increasingly the parent company has been seeking Commission approval to act as surety guarantor or indemnifier for its subsidiaries because this avoids such subsidiaries from either having to pay to third party premiums or to pay greatly reduced premiums. A rule exempting from prior Commission approval would save the holding company system companies the filing fees and other expenses such as attorney fees. Staff time would be saved because staff would no longer have to process applications.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Next Action Undetermined

Small Entity: No

Agency Contact: **Lewis B. Reich**, Special Counsel, Securities and Exchange Commission, Office of Public Utility Regulation, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-7699**

RIN: 3235-AB98

4092. EXEMPTIONS FROM SECTION 17(C) OF THE ACT

Legal Authority: 15 USC 79q(c)

CFR Citation: 17 CFR 250.70

Abstract: Under Section 17(c) of the Public Utility Holding Company Act of 1935 officers or representatives of certain financial institutions are disqualified from serving as officers or directors of registered holding company system companies. Current Rule 70 provides certain exemptions. The registered holding companies have indicated that too many otherwise qualified persons are excluded because of Section 17(c). The rule is presently being re-evaluated to determine if it is possible to broaden the current exemptions. In dollar terms there will be no costs or benefits. In non-dollar terms, there will be a greater number of persons eligible to serve on the boards or registered holding company system companies.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Next Action Undetermined

Small Entity: No

Agency Contact: **Michael L. Haase**, Special Counsel, Securities and Exchange Commission, Office of Public Utility Regulation, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-7686**

RIN: 3235-AB99

4093. MUTUAL FUND GOVERNANCE

Legal Authority: 15 USC 80a-16(c); 15 USC 80a-35; 15 USC 80a-6(c)

CFR Citation: Not yet determined

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888, (47 FR 56509)) soliciting public comment on whether the Commission should propose rules or recommend legislation which would provide for an alternative form of mutual fund governance. Specifically, this release requests comment on whether mutual funds should be exempted from shareholder voting and/or director requirements under the Investment Company Act of 1940 (the "Act") and, if so, whether conditions could be fashioned which would adequately insure against loss of investor protection. Although such changes might be effected through rulemaking, the Commission has indicated that, in its preliminary judgment, changes of this magnitude should be effected through legislative rather than administrative action. Since the costs and benefits of providing for an alternative scheme of mutual fund governance cannot be estimated at the present time, the release solicits specific comment on the costs and benefits which would result from such changes. Extension of comment period until April 18, 1983 was announced in Investment Company Act Release No. 13012 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	47 FR 56509
Ext'n of Comment Period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	04/18/83	48 FR 6354

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: (February 7, 1983) 48 FR 6354.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3036

RIN: 3235-AA44

4094. ● STANDARDIZED FORMULA FOR CALCULATING INVESTMENT COMPANY YIELD

Legal Authority: 15 USC 80a-37

CFR Citation: 17 CFR 270

Abstract: Yield quotations are widely used by investment companies in advertising the sale of their shares. Mutual funds other than money market funds, however, are not required to calculate yield under a standardized formula. As a result, it may be difficult for and confusing to investors to compare the relative advantages of investing in different funds with similar investment objectives. The Commission is considering proposing a rule to require mutual funds other than money market funds to calculate their yields under standardized formulas depending on their investment objectives. Because the proposed rule is in the developmental stages, the potential effect on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Forrest R. Foss, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-7318

RIN: 3235-AC08

4095. ● PROPOSED RULES 2A32-1 AND 2A35-1; PROPOSED AMENDMENTS TO RULE 22C-1

Legal Authority: 15 USC 80a-6c; 15 USC 80a-37

CFR Citation: 17 CFR 270.2a32-1

Abstract: The Commission is considering whether to propose rules and rule amendments that would give investment companies exemptive relief to change contingent deferred sales pads. This would obviate the need for those companies to continue to file applications for exemptive relief.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Elizabeth K. Norsworthy, Chief, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2048

RIN: 3235-AC11

4096. PROPOSED RULE 2A-41 (FORMERLY DESIGNATED RULE 2A-9) UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6c; 15 USC 80a-37

CFR Citation: Not yet determined

Abstract: The Commission is considering whether to propose a rule that would permit investment companies to acquire standby commitments solely for the purpose of facilitating portfolio liquidity and to value such commitments in a fashion consistent with their limited purpose. Such a rule would obviate the need for investment companies to file applications for exemptive relief from sections 2(a)(41) and 12(d)(3) of the Investment Company Act.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	
Final Action	11/30/85	

Small Entity: Undetermined

Agency Contact: Elizabeth Norsworthy, Attorney, Securities and Exchange Commission, 450 5th Street NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AB38

4097. PROPOSED RULE 3A-4 -- INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a); Investment Company Act, Sec 6(c); Investment Company Act, Sec 38(a)

CFR Citation: 17 CFR 270.3a-4

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary. The proposed rule was intended to clarify the Commission's position on the question of "mini-accounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being formulated.

Timetable:

Action	Date	FR Cite
NPRM	10/10/80	45 FR 69479
NPRM Comment Period Begin	10/21/80	45 FR 69479
NPRM Comment Period End	01/31/81	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: NPRM is Release No. IC-11391 (10/10/80)

Agency Contact: Elizabeth Knoblock, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, **202 272-3042**

RIN: 3235-AA12

4098. ● PROPOSED RULE 3C-5 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6c; 15 USC 80a-37

CFR Citation: 17 CFR 270.3c-5

Abstract: The Commission is considering whether to propose a rule that would provide exemptive relief from all provisions of the ICA to limited purpose finance subsidiaries that own or hold mortgage-related securities. This would obviate the necessity of these subsidiaries filing applications for exemptive relief.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Elizabeth K. Norsworthy, Chief, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2048**

RIN: 3235-AC03

4099. PROPOSED RULES 11A-3 AND 11A-4 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-11(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.11a-3; 17 CFR 270.11a-4

Abstract: The Commission is considering whether to propose a Rule 11a-3 and a Rule 11a-4 which would exempt certain persons from the requirements of Section 11(a) of the Investment Company Act. That section generally prohibits any registered open-end investment company and the principal underwriter of its shares from making an offer to a shareholder to exchange his security for another security on any basis other than the net asset values of the securities to be exchanged without approval of the Commission. Section 11(c) extends the prohibitions of Section 11(a) to offers of the securities of unit investment trusts. The Commission has issued numerous orders permitting open-end management companies and the principal underwriter(s) of their shares to make exchange offers on the basis of the relative net asset value of the securities being exchanged plus a sales load equal to the difference between the sales load which would otherwise be charged on the securities to be acquired and on the securities to be exchanged. The Commission has also issued orders permitting unit investment trusts and their sponsors to make offers of exchange based on the relative net asset (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: value of the respective securities plus a fixed fee to cover expenses. The proposed rules would codify such orders (Rule 11a-3 for management companies; Rule 11a-4 for unit investment trusts) thereby eliminating the cost for small companies of preparing applications seeking the orders. Thus, the proposed rules would have a beneficial economic impact on such companies. The proposed rules would contain several conditions to assure the protection of investors. Any such conditions would be included in the rule in order to adequately protect investors against the abuses addressed by Section 11.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, **202 272-3036**

RIN: 3235-AA14

4100. PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(g); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17g-1

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g-1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407). Rule 17g-1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons. The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable:

Action	Date	FR Cite
NPRM	06/02/80	45 FR 38407
NPRM Comment Period Begin	06/02/80	45 FR 38407
NPRM Comment Period End	07/18/80	
Final Action	06/30/85	
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Elizabeth Knoblock, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, **202 272-3042**

RIN: 3235-AA16

4101. RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(j); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17j-1

Abstract: Rule 17j-1 requires every access person of a registered investment company, or of an investment adviser of or principal underwriter for the investment company to report to the investment company certain of his securities transactions. The Commission is considering whether to propose an amendment to this rule which would reduce the reporting requirement for

investment company directors who are interested persons with respect to the investment company by reason of their affiliation with a registered broker-dealer. Members of the industry have characterized these reporting requirements as unnecessarily burdensome in some instances. Any such rule amendment would have the effect of lessening the reporting requirements currently imposed by the rule. As a result, the staff believes that the costs, which should be insignificant, of complying with any amendment would be significantly less than the benefits it would provide. The staff is concurrently reviewing similar reporting requirements for investment advisers under Rule 204-2(a)(12) and (13) under the Investment Advisers Act, in order to (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: harmonize the provisions of Rule 17j-1 and Rule 204-2 to the extent possible.

Agency Contact: **Elizabeth M. Knoblock**, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-3036**

RIN: 3235-AA68

4102. ● REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

Legal Authority: 15 USC 80a-37; 15 USC 80a-24

CFR Citation: 17 CFR 270.24f-2

Abstract: Rule 24f-2 allows certain investment companies to register an indefinite number of their securities under the Securities Act of 1933. The rule was adopted by the Commission in 1977 in order to address the problem of oversales by investment companies. Although the rule is relied on by unit investment trusts, provisions of the rule regarding the payment of fees and the filing of notices may be unnecessarily burdensome for unit trusts under certain circumstances. The Commission is considering a rule which would streamline the procedures to be followed by unit investment trusts relying on the indefinite registration provisions of rule 24f-2. Because the proposed rule is in the developmental stages, its potential costs and benefits as a whole and the potential effect on small entities are uncertain at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: **Jay B. Gould**, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2810**

RIN: 3235-AC10

4103. PROPOSED RULE 205-3 UNDER THE INVESTMENT ADVISERS ACT OF 1940

Legal Authority: 15 USC 80b-6a

CFR Citation: 17 CFR 275.205-3

Abstract: On March 15, 1985, the Commission issued a release, IA-961, 50 FR 11718, soliciting public comment on a proposed revision of section 205 of the Advisers Act which would allow investment advisers to receive performance-based advisory fees under certain circumstances. Currently, Section 205 prohibits with certain limited exceptions, registered investment advisers from being compensated on a basis of a share of capital gains upon or capital appreciation of the kinds or any portion of the funds of a client. The effect of a rule if adopted, would be to allow advisers greater flexibility in structuring their compensation arrangements than is now permitted the staff is of the opinion that the benefits of complying with the proposed rule would far outweigh the cost and believes the costs, if any, associated with compliance would be insignificant.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	03/15/85	50 FR 11718
NPRM Comment Period End	05/31/85	
Final Action	10/00/85	

Small Entity: Yes

Agency Contact: **Forrest R. Foss**, Special Counsel, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-7318**

RIN: 3235-AB70

4104. METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 206(3)-3

Abstract: Section 206(3) of the Investment Advisers Act of 1940 makes it unlawful for any investment adviser, by use of the mail or any means or instrumentality of interstate commerce, directly or indirectly, knowingly to effect a securities transaction (a) with a client while acting as principal or (b) for a client while acting as broker for a person other than such client, without disclosing in writing to such client before the completion of the transaction the capacity on which he is acting and obtaining the consent of the client to the transaction. The Commission is considering whether to propose a rule that would provide a nonexclusive method for compliance with the provisions of Section 206(3) of the Investment Advisers Act of 1940 in connection with purchases of securities from an underwriting syndicate for an advisory client under specified conditions. Because the proposed rule is still in the developmental stages, its potential effect on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: **Stephen C. Beach**, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-3040**

RIN: 3235-AB74

4105. ● ADVERTISING BY INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.206(4)-1

Abstract: Rule 206(4)-1 contains a wide range of restrictions on advertising by investment advisers including prohibitions on the use of testimonials. The rule was adopted in 1962 and has not be en revised since. The Commission is considering whether to amend the rule in a manner which would permit greater flexibility to investment advisers in their advertising and protect the investing public from potential abuse. Because the proposed amendments to the rule are still in the developmental stages, the potential effect on small entities and its potential costs and benefits as a whole are uncertain at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Forrest R. Foss, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-7318**

RIN: 3235-AC09

4106. ● DISCLOSURE OF LEGAL AND DISCIPLINARY PROCEEDINGS

Legal Authority: 15 USC 80b-11a

CFR Citation: 17 CFR 275.206(4)-4

Abstract: Section 206 of the Investment Advisers Act of 1940 prohibits a wide range of fraudulent activity by investment advisers. The Commission has interpreted this section to require that advisers disclose disciplinary and legal proceedings in which they have been involved which are material to an evaluation of the adviser's integrity and ability. The Commission is considering proposing a rule under Section 206(4) of the Advisers Act, which would clarify the disclosure requirements of advisers who have been involved in disciplinary and legal proceedings. Because the rule is in the developmental stages, the potential impact on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Mary S. Podesta, Chief, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W.(Stop 5-2), Washington, D.C. 20549, **202 272-2107**

RIN: 3235-AC06

4107. AMENDMENTS TO FORM ADV

Legal Authority: 15 USC 80b-3; 15 USC 80b-4; 15 USC 80b-11(a)

CFR Citation: 17 CFR 279.1

Abstract: On April 24, 1985 the Commission proposed for public comment revisions to Form ADV, the Investment Adviser registration application form to make the form a uniform form for registration with the Commission and the States. Uniform Form ADV was developed by the Commission and the North American Securities Administrators' Association (NASAA) to reduce unnecessary burdens on investment advisers as advisers with more than one governmental entity. The Commission expects to adopt the form with certain modifications in September 1985. NASAA expects to present the modified Uniform Form ADV to its membership in October 1985 for adoption. If adopted the Uniform Form ADV should result in cost savings for advisers required to register as such with the Commission and the States.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	04/24/85	
NPRM	05/05/85	50 FR 18500
NPRM Comment Period End	06/14/85	
Final Action	10/01/85	

Small Entity: Undetermined

Agency Contact: Mary Podesta, Chief, Office of Disclosure and Adviser Reg., Securities and Exchange Commission, Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2107**

RIN: 3235-AB71

SECURITIES AND EXCHANGE COMMISSION (SEC) — Existing Regulations Under Review

Securities Market and Securities Industry Rules

4108. ● DEFINITION OF "SHORT SALE"

Legal Authority: 15 USC 78c(b); 15 USC 78j(a); 15 USC 78w(a)

CFR Citation: 17 CFR 240.3b-3

Abstract: Rule 3b-3 defines the term "short sale" as any sale of a security which the seller does not own or any sale which is consummated by the delivery of a security borrowed by, or for the account of, the seller. The rule also indicates several circumstances when a person is deemed to own a security.

See also 17 CFR 240.10a-1, 17 CFR 240.10a-2, and 17 CFR 240.10b-4.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washingtin, D.C. 20549, 202 272-2848

RIN: 3235-AC17

4109. ● SHORT SALES

Legal Authority: 15 USC 78a; 15 USC 78b; 15 USC 78c; 15 USC 78i(a)(6); 15 USC 78j(a); 15 USC 78j(b); 15 USC 78o(c); 15 USC 78w(a)

CFR Citation: 17 CFR 240.10a-1

Abstract: Rule 10a-1 regulates short sales of certain securities. The rule provides generally that short sales of exchange-listed reported securities (i.e., securities as to which last sale information is reported in the consolidated system) may be effected only at a price above the price at which the immediately preceding sale was effected ("plus tick"), or at a price equal to the last sale price if the last preceding transaction at a different price was at a lower price ("zero-plus tick"), established by reference to the last sale price reported from any market in the consolidation system. The general purpose of Rule 10a-1 is to prevent manipulative sales of a security for the purpose of accelerating a decline in the price of such security.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AC18

4110. ● REQUIREMENTS FOR COVERING PURCHASES

Legal Authority: 15 USC 78c(b); 15 USC 78j(a); 15 USC 78w(a)

CFR Citation: 17 CFR 240.10a-2

Abstract: Rule 10a-2 regulates covering transactions for short sales. If on the due date of delivery of a security sold pursuant to an order marked "long" the broker or dealer has not received the security from the customer, he must cover the open position unless he knows or has been informed by the seller either (1) that the security sold has been forwarded to the account for which the sale was effected; or (2) that the seller owns the security sold, that it is then impracticable to deliver to such account the security owned and that he will deliver such security to such account as soon as is possible without undue inconvenience or expense.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AC19

4111. ● RULE 15C2-5: DISCLOSURE AND OTHER REQUIREMENTS WHEN EXTENDING CREDIT IN CERTAIN TRANSACTIONS

Legal Authority: 15 USC 78o(c)(2); 15 USC 78k(d)(1); 15 USC 78q(c); 15 USC 78w(a)

CFR Citation: 17 CFR 240.15c2-5

Abstract: Rule 15c2-5 under the Securities Exchange Act of 1934 would make it a fraudulent, deceptive or manipulative act or practice as used in Section 15(c)(2) of the Act for any broker-dealer to offer, sell or attempt to induce the purchase of any security by any person if the broker-dealer arranges a loan for such person unless, before the transaction is entered into, the broker-dealer (1) delivers to such person a written statement setting forth the exact nature and extent of his obligations, the risks involved, and the commissions and other remuneration to be received by the broker-dealer and by other persons in a control relationship to broker-dealer, and (2) obtains from such person information concerning his financial situations and needs, reasonably determines that the entire transaction including the loan arrangement is suitable for such person, and retains in his files a written statement setting forth the basis upon which the broker-dealer made the determination.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Michael A. Macchiaroli, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2904

RIN: 3235-AC20

SECURITIES AND EXCHANGE COMMISSION (SEC) Completed Actions

COMPLETED RULEMAKINGS

4112. SYNOPSIS OF IMPAIRMENT TESTS UNDER THE SUCCESSFUL EFFORTS METHOD

CFR Citation: 17 CFR 210

Completed:

Reason	Date	FR Cite
Withdrawn The staff is no longer considering this proposal.	08/05/85	

Small Entity: Undetermined

Agency Contact: John W. Albert 202 272-2130

RIN: 3235-AB67

SEC

Completed Actions

4113. PROPOSED FORM F-4 AND OTHER RULES

CFR Citation: 17 CFR 239.34

Completed:

Reason	Date	FR Cite
Final Action	05/06/85	50 FR 19010
Final Action Effective	05/06/85	50 FR 19010

Small Entity: Yes

Agency Contact: Martin L. Meyrowitz 202 272-3250

RIN: 3235-AB76

4114. RULE 3A4-1 -- ASSOCIATED PERSONS OF AN ISSUER DEEMED NOT TO BE BROKERS

CFR Citation: 17 CFR 240.3a4-1

Completed:

Reason	Date	FR Cite
Final Action	06/27/85	
Final Action Effective	07/09/85	50 FR 27940

Small Entity: Undetermined

Agency Contact: Susan J. Walters 202 272-2848

RIN: 3235-AB53

4115. PROPOSED RULE 3B-9: APPLICABILITY OF BROKER-DEALER REGISTRATION TO BANKS

CFR Citation: 17 CFR 240.3b-9

Completed:

Reason	Date	FR Cite
Final Action	07/01/85	50 FR 28385
Final Action Effective	01/01/86	

Small Entity: Undetermined

Agency Contact: Mary Chamberlin 202 272-2848

RIN: 3235-AB49

4116. RULES 30B1-(T) AND 27D-4(T) UNDER THE INVESTMENT COMPANY ACT OF 1940, TEMPORARY SUSPENSION OF QUARTERLY REPORTING OBLIGATION OF CERTAIN INVESTMENT COMPANIES

CFR Citation: 17 CFR 240.13a-12; 17 CFR 240.15d-12; 17 CFR 270.27d-3; 17 CFR 270.30b1-1; 17 CFR 270.30b1-2; 17 CFR 240.13a-1; 17 CFR 240.13a-16; 17 CFR 240.15d-13; 17 CFR 240.15d-16; 17 CFR 274.106; 17 CFR 274.127d-2

Completed:

Reason	Date	FR Cite
Final Action	07/01/85	50 FR 23937
Final Action Effective	08/08/85	

Small Entity: Yes

Agency Contact: Elizabeth K. Norsworthy 202 272-2048

RIN: 3235-AB75

4117. SIMPLIFICATION OF PROCEDURES FOR MANAGERS REQUESTING CONFIDENTIAL TREATMENT FOR OPEN RISK ARBITRAGE POSITIONS REPORTED ON FORM 13F

CFR Citation: 17 CFR 249.325

Completed:

Reason	Date	FR Cite
Final Action	05/14/85	50 FR 21423
Final Action Effective	06/24/85	50 FR 21423

Small Entity: No

Agency Contact: Elizabeth Tsai 202 272-2031

RIN: 3235-AB72

4118. PRICING OF REDEEMABLE SECURITIES FOR DISTRIBUTION, REDEMPTION AND REPURCHASE

CFR Citation: 17 CFR 270.22c-1

Completed:

Reason	Date	FR Cite
Final Action	06/10/85	
Final Action Effective	06/13/85	50 FR 24762

Small Entity: No

Agency Contact: Jay B. Gould 202 272-2107

RIN: 3235-AB58

COMPLETED REVIEWS

4119. 7C2-1 EXEMPTION FROM SECTION 7 (C) (2) OF CERTAIN SECURITIES EXEMPTED FROM REGISTRATION OR ADMITTED TO TRADING ON EXCHANGES EXEMPTED FROM REGISTRATION

CFR Citation: 17 CFR 240.7c2-1

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Reason	Date	FR Cite
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Small Entity: No

Agency Contact: Edward L. Pittman 202 272-2848

RIN: 3235-AB97

4120. DISCLOSURE OF CREDIT TERMS IN MARGIN TRANSACTIONS

CFR Citation: 17 CFR 240.10b-16

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Small Entity: Undetermined

Agency Contact: Edward L. Pittman 202 272-2848

RIN: 3235-AB96

4121. RULE 12A-4 -- EXEMPTION OF CERTAIN WARRANTS FROM SECTION 12(A)

CFR Citation: 17 CFR 240.12d1-1; 17 CFR 240.12d1-3; 17 CFR 240.12d1-5; 17 CFR 240.12d2-1(a); 17 CFR 240.12d2-2; 17 CFR 240.12f-1; 17 CFR 240.12f-2; 17 CFR 240.12f-3; 17 CFR 240.12f-4; 17 CFR 240.12f-6

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB84

4122. RULE 12A-5 -- TEMPORARY EXEMPTION OF SUBSTITUTED OR ADDITIONAL SECURITIES

CFR Citation: 17 CFR 240.12d1-1; 17 CFR 240.12d1-3; 17 CFR 240.12d1-5; 17 CFR 240.12d2-1(a); 17 CFR 240.12d2-2; 17 CFR 240.12f-1; 17 CFR 240.12f-2; 17 CFR 240.12f-3; 17 CFR 240.12f-4; 17 CFR 240.12f-5; 17 CFR 240.12f-6

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB85

4123. RULE 12A-6 -- EXEMPTION OF SECURITIES UNDERLYING CERTAIN OPTIONS FROM SECTION 12(A)

CFR Citation: 17 CFR 240.3b-1; 17 CFR 240.12-6

SEC

Completed Actions

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB86

4124. RULE 12F-1 -- APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

CFR Citation: 17 CFR 240.12d1-1; 17 CFR 240.12d1-3; 17 CFR 240.12d1-4; 17 CFR 240.12d1-5; 17 CFR 240.12d2-1; 17 CFR 240.12d2-2; 17 CFR 240.12f-2; 17 CFR 240.12f-3; 17 CFR 240.12f-4; 17 CFR 240.12f-6

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB87

4125. RULE 12F-2 -- CHANGES IN SECURITIES ADMITTED TO UNLISTED TRADING PRIVILEGES

CFR Citation: 17 CFR 240.12d1-1; 17 CFR 240.12d1-3; 17 CFR 240.12d1-4; 17 CFR 240.12d1-5; 17 CFR 240.12d2-1(a); 17 CFR 240.12d2-2; 17 CFR 240.12f-1; 17 CFR 240.12f-3; 17 CFR 240.12f-4; 17 CFR 240.12f-6

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB88

4126. RULE 12F-3 -- TERMINATION OR SUSPENSION OF UNLISTED TRADING PRIVILEGES

CFR Citation: 17 CFR 240.12f-1; 17 CFR 240.12f-2; 17 CFR 240.12f-3; 17 CFR 249.28

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB89

4127. RULE 12F-4 -- EXEMPTION OF SECURITIES ADMITTED TO UNLISTED TRADING PRIVILEGES FROM SECTIONS 13, 14 AND 16

CFR Citation: 17 CFR 240.12f-1; 17 CFR 240.12f-2; 17 CFR 240.12f-6

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB90

4128. RULE 12F-6 -- CONTINUANCE OF UNLISTED TRADING PRIVILEGES ON MERGED EXCHANGES

CFR Citation: 17 CFR 240.12f-1; 17 CFR 240.12f-2

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB93

4129. RULE 17AB2-1 -- REGISTRATION OF CLEARING AGENCIES

CFR Citation: 17 CFR 240.17Ab2-1

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Small Entity: No

Agency Contact: Elliott Cowan 202 272-2418

RIN: 3235-AB83

4130. RULE 19C-1 -- GOVERNING CERTAIN OFF-BOARD AGENCY TRANSACTIONS BY MEMBERS OF NATIONAL SECURITIES EXCHANGES

CFR Citation: 17 CFR 240.19c-1

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Small Entity: No

Agency Contact: William W. Uchimoto 202 272-2826

RIN: 3235-AB91

4131. FORM 27 -- NOTIFICATION OF CHANGES IN SECURITIES ADMITTED TO UNLISTED TRADING PRIVILEGES

CFR Citation: 17 CFR 240.12f-2; 17 CFR 249.27

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB92

4132. FORM 28 -- NOTIFICATION OF THE TERMINATION OR SUSPENSION OF UNLISTED TRADING PRIVILEGES

CFR Citation: 17 CFR 240.12f-3; 17 CFR 240.12f-2; 17 CFR 249.28

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Small Entity: No

Agency Contact: Thomas C. Etter, Jr. 202 272-2826

RIN: 3235-AB94

4133. FORM CA-1 -- APPLICATION FOR REGISTRATION OR FOR EXEMPTION FROM REGISTRATION AS A CLEARING AGENCY AND FOR AMENDMENT TO REGISTRATION PURSUANT TO THE SECURITIES EXCHANGE ACT OF 1934

CFR Citation: 17 CFR 240.17Ab2-1

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Small Entity: No

Agency Contact: Elliott Cowen 202 272-2418

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